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15th Legislative Assembly of the Northwest Territories

Standing Committee on Governance and Economic Development

Report on the Review of Bill 5, *Tlicho Community Government Act*

Chair: Mr. Paul Delorey

105-00521/

Northwest Territories Legislative Assembly
Standing Committee on Governance and Economic Development

MAY 27 2004

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Governance and Economic Development is pleased to provide its Report on the Review of Bill 5, *Tlicho Community Government Act*.

PADelorey

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STANDING COMMITTEE ON GOVERNANCE AND ECONOMIC DEVELOPMENT
REPORT ON THE REVIEW OF BILL 5, *TLICHO COMMUNITY GOVERNMENT ACT*

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The Standing Committee on Governance and Economic Development is pleased to report on its review of Bill 5, *Tłicho Community Government Act*.

The Committee heard from members of the public on Bill 5 on May 11, 2004 in Rae, and on May 13th in Yellowknife. Public hearings with the Minister took place in Yellowknife on May 10th and May 14th.

The Committee would like to thank all the individuals who took the time to prepare submissions or to make presentations at our public hearings, and in particular those who traveled from Gamètì, Wekweètì and Whatì. The Committee would also like to thank the Minister and his staff for presenting the Bill.

The *Tłicho Community Government Act* is an unusual Bill in that it flows out of a three-party agreement that, barring unforeseen circumstances, will be adopted as law by federal settlement legislation and will be constitutionally protected under section 35 of the *Constitution Act, 1982*. This Assembly has already made provision to adopt the *Agreement* as territorial law through the *Tłicho Land Claims and Self Government Agreement Act,* which was passed last fall.

Bill 5 is intended to fulfill the GNWT's obligation under Chapter 8 of the *Tlicho Agreement* to introduce community government legislation for Behchokò, Gamètì, Whatì, and Wekweètì in keeping with the model agreed to by the Dogrib Treaty 11 Council, the GNWT and the Government of Canada. The *Agreement* sets out a number of provisions that must be included in the legislation, in particular the composition and jurisdiction of the community government councils. As a result, there is very little latitude for the Legislative Assembly to make major changes to this Bill without, in effect, repudiating the *Agreement* and its own settlement legislation passed last fall.

The Committee heard from several elders and leaders in Rae, including delegations from Gamètì, Wekweètì and Whatì, who spoke of the importance of the Bill and the tremendous amount of work that has been done by many people to get to this stage of implementing the *Tlicho Agreement*. The presenters unanimously gave their unconditional support to Bill 5 and asked that it be passed as soon as possible. In the words of one of the presenters, [translation]:

> *Today we are talking about this Bill that we have been working on for many years. We want this Bill to pass as soon as possible. We talk about our young people, and those of us who are from the surrounding isolated communities have a lot of young people in our communities. We are doing this for them.*

In Yellowknife, the Committee heard from two Metis local representatives who asked that the passage of this Bill be postponed until the rights of Metis in the

North Slave region can be addressed. There are unresolved issues within that community that have delayed articulation and recognition of their treaty and aboriginal rights. It is to be hoped that once these rights have been articulated, the outstanding concerns can be resolved and the rights of all aboriginal people within the North Slave can be exercised on a collaborative basis.

As required by the *Agreement*, Bill 5 provides that the Chief and at least half of the councilors in each of the four community governments must be Tłicho Citizens. Only Tłicho Citizens may vote for the Chief. The Committee received two written submissions that raised concerns about whether this guaranteed representation would violate the rights of non-Tłicho Citizens, in particular their democratic, equality and mobility rights under the *Canadian Charter of Rights and Freedoms*. One of the submissions also questioned why the community governments were being established by GNWT as opposed to Tłicho Government legislation, and suggested that it would be more efficient if all NWT communities were covered by a single piece of legislation.

As previously explained, the Committee has very little room to recommend major changes to this Bill without effectively asking the parties to go back to the negotiating table, something they are not likely to agree to at this stage. The Committee does not have a position on guaranteed representation for Tłicho Citizens, and notes that it is impossible to predict with any certainty whether the courts, in the wake of a *Charter* challenge, would uphold this guaranteed representation model and agree that the three parties arrived at an acceptable balance between the respective rights of Tłicho and non-Tłicho. Some Committee Members suggested that this community government model was a good compromise by all parties that was apparently intended to avoid the potential divisiveness and inefficiencies of having separate local governments for Tłicho and non-Tłicho Citizens.

One member of the Committee voiced further concerns regarding the availability of land in the settlement region for future economic development. In keeping with the *Agreement*, Bill 5 places a 20-year moratorium on selling community government lands. Following the 20-year period, the community governments will be able to transfer fee simple title, with voter approval. The Minister advised that lands would still be available for lease in accordance with past practices in this regard.

The clause by clause review of Bill 5 took place on May 14. Seven amendments to correct minor oversights and to reorganize the schedules were agreed to at that time.

Following the Committee's review, a motion was carried to report Bill 5, *Tlicho Community Government Act*, to the Assembly as ready for Committee of the Whole as amended and reprinted.

Report on the Review of Bill 5, *Tlicho Community Government Act*

APPENDIX 1

May 13, 2004

Paul Delorey,
Chair,
Standing Committee on Governance and Economic Development.

Tlicho Community Government Act.

The Canadian Constitution outlines Treaty and Land Claim rights of the Aboriginal people.

Federal policy provides for the negotiation and development of aboriginal self government.

These rights and obligations are not in question. However, how these rights and obligations are fulfilled in the NWT is of major importance to all residents of the Territory.

There are several key factors concerning the development and negotiations of aboriginal self government in the NWT.

Key facts

- Aboriginal self government is proposed to be implemented at two levels in the NWT;
    -regional/territorial level
    -community level
- Aboriginal government's have mandates that are basically the same as the Government of the NWT and the community level of government in the NWT.
- 32 of the 35 communities in the NWT have a majority of aboriginal residents.
- Regional/territorial aboriginal governments are being pursued by 6 or 7 distinct aboriginal groups that represent regions and territories that collectively cover the whole NWT.
- Aboriginal self governments agreements are being pursued by each NWT Aboriginal First Nations but these are at different stages of development.
- The Tlicho First Nations Agreement is the first self government agreement approved by the Tlicho communities and by the Government of the NWT.
- The Tlicho Agreement and Tlicho Community Government Act are potential models for the other Aboriginal self government agreements and acts and establishes a precedent for other agreements and legislation.

Key Factors.

- The Government of the NWT is the government for all of the people of the NWT. The GNWT has the responsibility and is accountable for ensuring that government at all levels in the NWT respect the rights and interests of all NWT residents.

- The intent of the Canadian Charter of Rights and Freedoms was to guarantee certain fundamental rights of all citizens of Canada. These rights include democratic, equality and mobility rights.

Democratic Rights
The right to vote and run for election subject to reasonable residency requirements.

Equality Rights
Equal rights without discrimination based on race, ethnic origin, colour, religion, sex, age or mental or physical disability.

Mobility Rights
The right to take up residence in any province
The right to pursue gaining of livelihood in any province.

The Government of the NWT, in fulfilling its own responsibility and accountability to the citizens of the NWT, and in respecting the fundamental intent of the Canadian Charter of Rights and Freedoms, needs to ensure all NWT residents have;

- equal access to public programs and services delivered at the community, regional and territorial level.
- equal access to employment and business opportunities in every community and region of the NWT.
- the right to vote and run for election to all governments at the community, regional and territorial level in the NWT subject to reasonable residency requirements.

The proposed Tlicho Community Government Act needs to be reviewed to ensure it is consistent and compatible with the above obligations and principles.

This is very important as the Act provides the governance framework for 4 NWT communities. It is even more important to be sensitive to the fact that the Tlicho Agreement and the Tlicho Community Government Act will become the model and set the precedent for the other First Nation Agreements and future First Nations Community Government Acts in the NWT.

Within this context a review of the proposed Tlicho Community Government Act raises several key questions.

1. The Act requires that the head of each Tlicho Community Government and half of the Council seats must be filled by Tlicho Citizens.
   A Tlicho Citizen is defined as;
   a) a registered band member in one of the Tlicho Communities
   b) or a person who resided in Nowhi Gogha De Nitlee before the 1921 Treaty and received Treaty benefits.
   c) Or a person adopted by a Tlicho person

Other aboriginal people such as Gwichen, Sahtu Dene and Metis, Chipewyan, Slavey, Cree, Inuvialuit, Inuit, Metis and non aboriginal people are prevented from being elected to half of the Council Seats and from being the head (Chief) of the Community Government.

2. The Tlicho Community Government Act creates new community governments which replace the existing community government ; municipal councils and band councils.
3. The potential exists for aboriginal community governments to replace the existing community governments and band councils in most of the 35 communities in the NWT.
4. The potential exists for aboriginal residents who are not a Citizen of the particular Aboriginal First Nation and non aboriginal residents to be excluded from at least half of community government seats and from being the head of the government council in most of the 35 communities in the NWT.
5. All the residents of the existing settlements, hamlets, villages, towns and cities in the NWT have the right to vote and run for election for all council positions and to vote and run for the head of the Council. For any settlement, hamlet, village, town or city that is replaced by an aboriginal community government, aboriginal residents who are not Citizens of a specific First Nations and non aboriginals will have their existing voting rights reduced to a minority of the council seats.

These facts raise several important questions.

Would it be fair and equitable for certain aboriginal residents and non aboriginal residents to not retain their existing rights to vote and run for election for all Council positions in most NWT communities?

Is the intent of the Canadian Charter of Rights and Freedoms regarding democratic, equality and mobility rights being met for aboriginal and non aboriginal residents who lose or do not have full democratic rights to vote and run for election for all community government council seats in each community?

Is the Government of the NWT and the Legislative Assembly meeting its obligations regarding the protection of the rights and interest of all residents of the NWT?

Is it acceptable to create different rights to vote and stand for election for aboriginal and non aboriginal people depending on which NWT community that you reside in?

The rights of aboriginal people to self government is not in question. The challenge is to develop aboriginal self government for specific First Nations that respects and protects the democratic rights of other aboriginal residents and non aboriginal residents. The creation of two classes of citizens with different rights is not in keeping with the intent of the Charter of Rights or Freedoms or a society which respects the rights and interests of all it's citizens.

The Tlicho Government Act should be considered in this context, and the precedent it sets for future First Nations Community Government legislation.

Nunavut was successful in meeting the challenge and government at all levels in Nunavut fully respects the right to vote and stand for election. Can the same challenge be met in the NWT?

What is the legacy that we will leave to our children and their children?

Respectfully submitted,

Larry Elkin,
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Dave Inch /YK /LEG

From: arcticpal /unix [arcticpal@theedge.ca]

Sent: Thursday, May 13, 2004 11:36 AM

To: Paul Delorey /YK /LEG

Cc: David Ramsay /YK /LEG; Jane Groenewegen /YK /LEG; Roger Allen /YK /LEG; Kevin Menicoche /YK /LEG; Dave Inch /YK /LEG; Elkin2 /unix

Subject: Tlicho Communities Governance.

Mr. Paul Delorey,

Thank you for inviting written input and comment on the Tlicho Community Government legislation at the meeting of your committee this morning. I had prepared three comments/questions for presentation but preferred to take advantage of your offer for written submissions.

Attached, please find an MS Word document with my comments.

Best regards,
David Wind
873-6524

Standing Committee on Governance and Economic Development Review of Bill 5, Tlicho Community Governance Act.

1. Given that the legislation proposes that the Tlicho communities have law making powers over numerous matters including taxation and delivery of community based education and social services, and that the Legislative Assembly of the NWT is a publicly elected legislature, it is surprising that the proposed Tlicho Community Governance Act would establish two unequal classes of participation in the Tlicho community governments, namely those who are Tlicho citizens and those who are not. The non-Tlicho distinction extends to aboriginal and metis members of the community who are not Tlicho citizens. All non-Tlicho are precluded from being elected chief of their community and they are restricted to competing (along with Tlicho residents) for half the councillor positions. This treads on the principle that the power to tax is by the consent of the people through fair and equitable representation.

2. Given that this legislation is intended to establish the four Tlicho communities, it is surprising that the enabling legislation does not originate with the Tlicho Government. Having the Legislative Assembly of the NWT draft, pass and implement the proposed legislation establishes Tlicho community governments which are supervised, regulated, and possibly administered by an authority that is not Tlicho. This approach risks leaving the legislation open to misunderstanding, resentment and conflict. A better approach would be for the Tlicho Government to establish, regulate, supervise and possibly administer Tlicho communities. As a minimum, the legislation should include provisions to transfer authority over the Tlicho communities to the Tlicho Government. To present the establishment of Tlicho communities as Territorial legislation in which the regulatory authority and oversight is retained by the Legislative Assembly of the NWT lends a credence to the process which it does not deserve.

3 The Tlicho Community Governance Act establishes four Tlicho communities. With seven or more land claims groups in the NWT and with the Sahtu taking a community by community approach, how many of these Community Governance Acts are contemplated. It would seem that at least seven or eight will be needed and perhaps even more. If these communities are all to be established regulated and administered by the public government, wouldn=t it be more efficient if all NWT communities were covered by a single piece of legislation?

Report on the Review of Bill 5, *Tlicho Community Government Act*

APPENDIX 2

Northwest Territories Legislative Assembly

Standing Committee on Governance and Economic Development

Review of
Bill 5, Tlicho Community Government Act

Chair: Mr. Paul Delorey, MLA

STANDING COMMITTEE ON GOVERNANCE AND ECONOMIC DEVELOPMENT

Chairman

Mr. Paul Delorey, MLA, Hay River North

Members

Mrs. Jane Groenewegen, MLA, Hay River South
Mr. Kevin Menicoche, MLA, Nahendeh
Mr. David Ramsay, MLA, Kam Lake

Witnesses

Hon. Henry Zoe, Minister of Municipal and Community Affairs
Ms. Debbie DeLancey, Deputy Minister, MACA
Ms. Sheila Bassi-Kellett, Director, Corporate Affairs, MACA
Mr. Michael Kalnay, Director, Community Governance, MACA
Mr. David Kravitz, Policy Advisor, Claims and Self-Government, MACA
Ms. Tania Begelfor, Legislative Advisor, Corporate Affairs, MACA
Mr. Mark Aitken, Director, Legislation Division, Department of Justice
Ms. Laura Gareau, Senior FMB Analyst, Budgeting and Evaluation, Financial Management Board Secretariat

Committee Staff

Mr. Andrew Stewart, Committee Clerk
Ms. Katherine Peterson, Law Clerk
Ms. Colette Langlois, Director of Research
Ms. Darha Phillpot, Research Analyst

STANDING COMMITTEE ON GOVERNANCE AND ECONOMIC DEVELOPMENT
Review of Bill 5, Tlicho Community Government Act
May 10, 2004
Committee Room "A"
3:15 p.m.

CHAIRMAN (Mr. Delorey): I will call the Standing Committee on Governance and Economic Development to order. We are here to do a review of Bill 5, Tlicho Community Government Act, with Mr. Zoe. I will begin by asking committee Members to introduce themselves, starting on my right.

MRS. GROENEWEGEN: Jane Groenewegen, MLA, Hay River South.

MR. MENICOCHE: Kevin Menicoche, MLA for Nahendeh.

MR. RAMSAY: David Ramsay, MLA, Kam Lake.

CHAIRMAN (Mr. Delorey): Myself, I am Paul Delorey, MLA for Hay River North. Also we have our Law Clerk, Katherine Peterson, with us and committee researcher, Collette Langlois. We also have an intern with research, Darha Phillpot with us and also Andrew Stewart. I would ask you, Minister Zoe, to introduce your staff and proceed with opening comments.

Minister's Opening Remarks

HON. HENRY ZOE: Thank you, Mr. Chairman. I have a number of staff with me this afternoon. To my right, I have Debbie DeLancey, deputy minister of Municipal and Community Affairs; to my far right, I have Michael Kalnay, director of community governance; to my left is Mark Aitken, director of legislation division; behind me is Sheila Bassi-Kellett, director of corporate affairs; and Tania Begelfor, legislation advisor; David Kravitz, policy advisor, claims and self-government; and, Laura Gareau, manager of policy and planning. Those are the staff members who are with me this afternoon.

I would like to thank your committee for beginning its review of the Tlicho Community Government Act and for scheduling public meetings throughout the entire week on this important legislation.

As committee Members are aware, the Tlicho Community Government Act is one of the last major steps in the process that started in 1921 with the signing of Treaty 11. The negotiation process is now complete. The Tlicho final agreement was signed by the Prime Minister, the Premier and the Grand Chief on August 25, 2003. The Tlicho Act was approved by the 14th Legislative Assembly on October 1, 2003. That act confirmed that the Government of the Northwest Territories supported the agreement and agreed to take the necessary steps to implementing the introduction and passing of this legislation. Establishing the Tlicho communities will move the Government of the Northwest Territories closer to full implementation.

The Government of the Northwest Territories is ready to move ahead. The Tlicho want to implement the act on the anniversary of the signing of the final agreement in August. While we do not know what the federal legislation will be enacted in time to meet that goal, we want our government to be ready well in advance of whatever effective date Canada sets. We will need at least 60 days between approving this act and the effective date of the election process. That means we have to be ready to move ahead if Canada delivers on this promise to the Tlicho.

The importance of this legislation cannot be understated. It is historic in its own right and will also be the indication of this assembly's willingness to move ahead, and its willingness to move ahead with aboriginal governments as new powers and responsibilities are negotiated, agreed upon and shared.

Mr. Chairman, our department wasn't planning to give you a full presentation because we did provide that to your committee in the earlier days, but I am here hoping to answer any questions that your committee may have. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. With that, I will open up the floor if Members have any questions on the Minster's opening remarks or on Bill 5, itself. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. I guess the first question I would have of the Minister would be that, should we request any amendments, what type of process does your department intend to follow when following up on these amendments, if there are any.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ramsay. Mr. Zoe.

HON. HENRY ZOE: Mr. Chairman, the process that we have is one that all government departments use; we are going to be using that same process. We aren't going to have a special process to deal with this type of legislation. We are just using the normal government procedures. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Anything further, Mr. Ramsay?

MR. RAMSAY: I have some, but I will let my colleagues ask questions. We will take turns.

CHAIRMAN (Mr. Delorey): Thank you. Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. Just in terms of the fact that this particular legislation flows out of the agreement that's already been taken to the public and consulted on and approved by the claimants involved, if there are amendments, minor or otherwise, how practical is that in terms of what would be to follow? Would it have to reopen the whole agreement? I know there has been a desire on the part of the Tlicho people to see this moved forward in a timely manner. It's a bit of an anomaly in terms of legislation and the fact that it is directly based on a government-to-government negotiation that's taken place over a period of time. So is it really practical that amendments could be brought back and responded to under those circumstances? Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Zoe.

HON. HENRY ZOE: Mr. Chairman, if amendments are required down the road, I think between the government and the aboriginal government, they would have to mutually agree as to what should be amended. Once that happens, then I think the regular process that we have in place would be followed. That's my understanding.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Minister. Mrs. Groenewegen.

MRS. GROENEWEGEN: With respect to any amendments that would be made, I understand the process for future and the consultation process that will be undertaken. What I am wondering about is amendments that might come up as a result of this public consultation and deliberations that we are having right now. Is it a bigger issue now than it would be down the road under the process that's going to be outlined in this legislation? If that makes any sense. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Zoe.

HON. HENRY ZOE: Mr. Chairman, I am not sure what Mrs. Groenewegen is getting at, but I anticipate something will be coming forward from your committee in terms of your amendments. If that's the case, we would have to consult with Treaty 11 to see if there are going to be amendments made. We would have to consult with them to make sure that they understand what the amendments are.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Mrs. Groenewegen.

MRS. GROENEWEGEN: I know that wasn't a very clear question. I can't say whether there are going to be any amendments. I don't want this to sound like it's foretelling of any proposed amendments. We haven't really heard form the public yet on this and heard any concerns. Don't take what I said as an indicator of any proposed amendments. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. That was an issue that came up in committee when we talked about the process that would be used as compared to some other bills that are within our government. They wouldn't be proposed amendments from committee. The Minister has a process to go back to the department and see what would be involved in making amendments, but with this agreement, because it already stems out of the Tlicho agreement that's already been approved by the territorial government and federal government, would it be a fairly long process, I guess, is what we are asking.

HON. HENRY ZOE: I don't believe it would be a very long process, if we followed the current process that we have in place. It's just that we have to consult directly with Treaty 11 to make sure they are in agreement with us.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Mrs. Groenewegen.

MRS. GROENEWEGEN: That's everything on that for now, thank you.

CHAIRMAN (Mr. Delorey): Thank you. Mr. Menicoche.

MR. MENICOCHE: Thank you, Mr. Chairman. Just a question for the Minister following up on some of what Mrs. Groenewegen was talking about. For example, there is the eligibility of municipal employees to serve on their councils. I don't know if that comes straight from the Tlicho agreement or not, but generally there are conflict of interest guidelines. Do we have the power to recommend this to the Minister and should we just continue our deliberations as if we can effect change?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Menicoche. Mr. Zoe.

HON. HENRY ZOE: Mr. Chairman, the legal counsel from our government and also with Treaty 11, they wanted some employees to run, but there is a restriction within the legislation. It does give them the opportunity so employees can run, but this is what was agreed upon with Treaty 11. This is what they wanted, so we put that provision in for them although it's not similar to the municipal Hamlets Act or the Cities, Towns and Villages Act. This is from a request that came from the group and we didn't see a problem with that. This is what they want, so if this is the way they want their self-government, what can we say? We are accommodating their needs. That's why it is in there.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Anything further, Mr. Menicoche?

MR. MENICOCHE: Thank you, Mr. Chairman. What I was getting at is, should they be concerned enough to question this particular example, I think it might be the responsibility of the committee to put that forward as well. How it gets settled is the next step. Basically, Mr. Chairman, I am saying here is an example of an item or issue that may be addressed; it comes from the Tlicho agreement, but I still believe it's part of our function to make it known, saying there is concern about this item from the public and present it in our report, I would imagine, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Menicoche. One of the other questions that was raised in that same area is because this community government act is mirroring the Municipal Governments Act and making these exceptions within here, is there an intention for the department to make those exemptions in municipal legislation as well? Mr. Zoe.

HON. HENRY ZOE: Mr. Chairman, we tried to mirror the municipal legislation as closely as we could with this one, but with our consultation with Treaty 11, it's going to be for their own communities and this is what they wanted. So we didn't object to what they asked for. We just included it in the legislation as they wanted. That's why it is there. They are going to be their own self-government. It's not for us, as government, to say this is the way it's going to be. They determined what they wanted in their legislation, so we accommodated them.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Anything further, Mr. Menicoche?

MR. MENICOCHE: Thank you, Mr. Chairman. One of the things we talked about this morning is whether we, as a government, would be setting a precedent for other municipalities if we pass legislation like this. Say, for example, Mr. Chair, Hay River would say I want my employees to run for council as well. Would we be providing some kind of precedent?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Menicoche. Mr. Zoe.

HON. HENRY ZOE: Mr. Chairman, no, I don't think for other communities we would be making these types of suggestions. Treaty 11 were the ones who requested this provision be put into their legislation, so we are just accommodating them. For other communities, we wouldn't recommend this type of thing. The request came from Treaty 11, so we are just accommodating them. It's what they wanted in their own legislation.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. I guess there are some things that are different -- obviously there are things that are different or we wouldn't be passing legislation -- than what would govern other communities. So what we are asking is if we accommodate the Tlicho request in this legislation, which we are attempting to do, are you as a government department, is MACA setting a precedent which would then allow for other communities who do not have a self-government agreement similar to that of the Tlicho agreement, then, to then come forward and say the precedent has already been set. This government approved legislation that looks like this, we want the same thing. Have you contemplated opening the door to similar arrangements in other communities based on the fact that this is our legislation?

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Zoe.

HON. HENRY ZOE: That's a good question. Our department works very closely with the Association of Communities. We do have a good working relationship with all the mayors across the Territories; we do have a very good working relationship. If they come forward with a suggestion, then we will consider it, but we wouldn't necessarily agree with what they are requesting. If it comes to that point, we will deal with it at that point.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Mrs. Groenewegen.

MRS. GROENEWEGEN: There are some things, Mr. Chairman, about this legislation that make us wonder from a legal perspective in terms of precedents. There are a number of things about this legislation which I guess we can't see. None of us has the ability to see the future, so we don't know about things like challenges for similar types of consideration from other places. We don't see how well we would do if there is a legal challenge on the basis of some of the other things that are contained in the legislation with respect to eligibility to hold office, those who can vote and those sorts of things. To some extent, we are being asked to proceed with this on the reliance that the background, the homework has been done and you don't foresee any difficulties like that. I guess I was asking it from a legal perspective.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Zoe.

HON. HENRY ZOE: Mr. Chairman, I am not a lawyer, but I am quite confident of the people who put this legislation together. I believe that it's going to work. I don't foresee hopefully any challenges. Nevertheless, someone might challenge it. Like any other legislation we have in place, anyone can challenge it. In that respect, I don't see anything wrong with this particular legislation the way it is. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. I know the Minister just said he didn't see anything wrong with the legislation, but the one thing I wanted to ask him is it's kind of unprecedented that you would legislate the election of a council on a racial basis; guaranteed seats based on race. That hasn't happened in Canada in terms of setting up a local government and legislation pertaining to local governments. I am just wondering whether the Minister feels that by guaranteeing aboriginal representation, it would hold up to a challenge under the Canadian Charter of Rights and Freedoms. What are his thought on that?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ramsay. Mr. Zoe.

HON. HENRY ZOE: Mr. Chairman, legal opinions were given by both GNWT justice and also from the Government of Canada. On that same question you are asking, I would like to point out that, supporting the Tlicho government act, sections 25 and 35 of the charter provide guarantees of treaty and aboriginal rights. Section 1 provides for reasonable limits prescribed by law as can be demonstrated and justified. So we did get legal opinions both from the Government of Canada and also our own justice people saying that legally it could be done. So we are on safe ground right now.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. I agree that there should be a provision in there for representation; I am not disagreeing with that. I just wonder, given the fact that in the communities that are the Tlicho region, it's 95 percent or 92 percent aboriginal, why you would think you would need a provision in there that sets a racial line in terms of the makeup of a council. It really shouldn't be in there because it would just happen as a matter of course.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ramsay. Mr. Zoe.

HON. HENRY ZOE: Mr. Chairman, my understanding is that from the main agreement that was passed in October, it stipulates in the agreement those provisions. That's why it is there now. My understanding of the question is when they were asked by Treaty 11, they were thinking long term. If the population grows at the community level, they want to make sure that Tlicho at least has 50 percent on the council because you never know what could happen. With the City of Yellowknife, you have a lot of people from all different places. So they are thinking long term where they want to guarantee their kids that they have control on council. That's the thinking they were hearing from the Treaty 11 council.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Anymore questions? Mr. Menicoche.

MR. MENICOCHE: Thank you, Mr. Chairman. I am just wondering if there are amendments to other acts that have to be made because of this legislation; for example, the Local Authorities Election Act, for one, in terms of eligibility.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Menicoche. Mr. Zoe.

HON. HENRY ZOE: Mr. Chairman, I will refer that to Mark.

CHAIRMAN (Mr. Delorey): Thank you. Mr. Aitken.

MR. AITKEN: Thank you, Mr. Chairman. Mr. Menicoche is right. The bill actually provides a number of schedules of consequential amendments to other acts, including the Local Authorities Elections Act that was mentioned by the Member. One of the things that may be considered by the committee is motions that would consolidate some of these schedules. At the time the bill was introduced, we didn't know what the sequence of events would be with respect to the coming into force of the Municipal Statutes Replacement Act, with respect to the passage of this act, so it may be possible to simplify those amendments, but we will still need amendments to about eight different statutes to ensure that this act is properly reflected in the legislation of the Northwest Territories. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Aitken. Mr. Menicoche.

MR. MENICOCHE: Thank you, Mr. Chairman. I am just wondering if these amendments have to run concurrently with the provision of this new act.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Menicoche. Mr. Zoe.

HON. HENRY ZOE: Yes, they would have to be concurrent.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. We have had kind of a look at the comparison between existing legislation now for communities versus what is being proposed in this. The timing of the elections for the communities is different from that in other communities and I think in other communities it was taken into consideration the budget times and budget cycles and things like that. Do you know what the rationale was for the term of office beginning in July and could you tell us whether or not you see that as any kind of a problem, from an operational point of view?

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Zoe.

HON. HENRY ZOE: Thank you, Mr. Chairman. I will refer that to my deputy to answer.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Mr. Kalnay.

MR. KALNAY: In NWT communities, the budgeting and the elections happen around about the same time and that's why we've got the dates set as they are; so that new councils do not have to run a whole year with an old budget and vice-versa. The Tlicho wish to have their elections set in the summer when their general assemblies are. They all get together, all the communities, for an assembly each summer and they wanted to have their community government elections just prior to that because their Tlicho government consists of chiefs and councillors from each of the community governments, as well as the Grand Chief.

Their budgeting is going to be following the same budget year as other municipalities, but as their new government will be elected in mid-term it means they can make new decisions and set a new budget and put something into place by the end of the calendar year. So it won't be just at the transition as it would be for other communities. So it works with their intentions to overlap with the Tlicho government and gives them some flexibility in terms of establishing a new budget.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Kalnay. Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. Is it possible, just out of curiosity, for them to operate on a different fiscal year end than is traditional for other communities in terms of auditing and as would take place by the legislation requiring audited reports and financial statements and things like that? Is it possible to change their fiscal year end to accommodate that different term of office?

The other question I have as well is, could you just tell me why it was -- I mean, it's probably a simple answer and I'm not being critical of it or anything -- most community governments have a two-year term and with the Tlicho it's a four-year term. I'm just wondering what the thinking was behind that, as well.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Kalnay.

MR. KALNAY: Once again, this speaks to the overlap between Aboriginal self-government and municipal government. This is where they fit together. The Tlicho Agreement and the Tlicho Constitution set a four-year term of office for the Tlicho government. The biggest component of the Tlicho government is from the community governments. It was thought important to have those terms of offices coincide.

With respect to the budgeting, the Tlicho community governments are going to receive the major part of their funding through Municipal and Community Affairs and they'll be on the same budgeting cycle as all the other municipalities are and it will depend on the efforts of the assembly and the appropriations here. So their fiscal years will be the same as for other communities.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Kalnay. Mrs. Groenewegen, anything further?

MRS. GROENEWEGEN: No, not right now. Thanks.

CHAIRMAN (Mr. Delorey): Okay. Anything further from committee? Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. I'd just like to perhaps ask the Minister why there are no provisions in the legislation for youth council members. There are three things that are left out and I'm just wondering why; staggered terms of office for councillors, and candidates' ability to run for chief and councillor in the same election are also absent from this. I'm just wondering if you could address those three concerns.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ramsay. Mr. Zoe.

HON. HENRY ZOE: On the first one about the youth, during the consultation that we had with the Dogrib Treaty 11, that whole issue was raised, but they didn't think that issue should go into the legislation to have a specific seat for youth. They did discuss it, but at the end of the day, they decided not to have that in there. The same is true for those other two issues that you also raised; they were discussed, but nothing came about.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Anything further from committee? Not hearing any, I have one question I'd like to ask of the Minister to do with lands in communities where there's no fee-simple title to lands, and apparently there is not going to be for some 20 years. How do they see that as a benefit to their communities where most people are interested in purchasing lands? What purchasing land does is give you the ability to tax and that sort of thing. Why would it be 20 years before they could even deal with fee-simple title to lands? Mr. Zoe.

HON. HENRY ZOE: Thank you. Mr. Chairman, I believe it's in their agreement, that it specifies it there. Maybe I can get Mike to elaborate a little bit on it.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Mr. Kalnay.

MR. KALNAY: Yes, it's section 9.6.3. of the agreement. It specifically requires this. So we've mirrored that in the legislation. As to why they requested it to be that way, this is a combined land claim and self-government agreement. This type of clause is more typical in a land claim agreement. The overlap here is between the community lands and the Tlicho lands, which are all out there. It's important to note that all of the land is going to be owned by the community in fee-simple title and it will be in their control. So after the 20 years is up, it's the community government's choice, by vote of the electors there, whether they'll change that to allow individual parcels to be titled up and sold off or whether they're going to continue to manage the land on a collective basis.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Kalnay. Just one further question on that. After the 20-year period, when they go to voter approval, will that be voter approval in general, where the community could then issue lands in fee-simple title, or would that be on every individual application? How does that read? Thank you.

MR. KALNAY: That'll be up to the community. The department has prepared a draft land-administration bylaw which contemplates individual parcels being leased. When it gets to the 20 years, the bylaw would provide for them to make their own choice about whether it would be titled or not and about whether it would be parcel by parcel or through a general bylaw change that would allow sales to anybody without further approval. It contemplates both ways and it will be at the discretion of the community at that point.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Kalnay. Mrs. Groenewegen, did you have a question?

MRS. GROENEWEGEN: Yes. So in the four communities that are going to be affected by this new legislation -- I'm thinking of Rae-Edzo, in particular -- you're telling me right now there is no titled land in those communities? None of those people's homes or businesses are built on titled land?

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Zoe.

HON. HENRY ZOE: Go ahead, Mr. Kalnay.

CHAIRMAN (Mr. Delorey): Mr. Kalnay.

MR. KALNAY: There's a significant amount of titled land already existing in the communities. Each of those parcels is identified in the Tlicho Agreement and the ownership of those parcels will remain with the present owners. It's Commissioner's land and federal land and Indian Affairs Branch land which is not presently titled to an individual which is going to be transferred to the community governments. So the existing landowners who own houses, nothing will change with respect to their land. They can sell it, they can buy it, it can change hands just as it can right now.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Kalnay. Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. That's what I thought. Now, I was led to believe this morning that there was no titled land in that community and I was very surprised to hear that. So right now, I'll just use Rae-Edzo as an example, they're considered to be obviously not a tax-based municipality, so they're considered to be in a general taxation area. So right now the lease fees and taxes flow directly to the territorial government for all the Tlicho communities. That's intended to sort of remain that way for the next 20 years or until there's some kind of an amendment. That's the way it is and that's the way it's going to stay for the first...(inaudible)? Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Kalnay.

MR. KALNAY: With respect to lease payments, on effective day, the ownership of the Commissioner's land and the federal land will transfer to the communities and lease payments will be payable to the community government. The existing leases will just carrying on, you'll just have a new landlord. With respect to the taxes, all these lands will remain in the general taxation area and taxes that are payable right now to the GNWT will be payable to the GNWT unless and until the community governments, under the Property Assessment and Taxation Act, take responsibility for property taxation. In that case, it will be just as it is in Hay River or Yellowknife. Then we'll work an agreement with the community and the GNWT and they'll take responsibility for assessment and mill rates and taxation.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Kalnay. Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. So, as of the effective date, the lease fees will go to the community as the new landlord and the GNWT will not receive those lease fees any longer. Is that a windfall for the communities or will that be reflected in a change to the funding? Because obviously, you know, taxes and leases are usually directly related to the provision of services and things like that. Will that affect the financial support that those communities receive from the territorial government?

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Zoe.

HON. HENRY ZOE: Obviously this will benefit the community, first of all, by them receiving the lease payments, but overall we do have formula financing available for the four Dogrib communities. That will still continue, but it will, hopefully with the transfer of these lease payments going directly to them, enhance their programs and services. I'll just point out that, by them receiving these payments, they're also looking after administration of these leases.

CHAIRMAN (Mr. Pokiak): Thank you, Mr. Zoe. Anything further, Mrs. Groenewegen?

MRS. GROENEWEGEN: Mr. Chairman, did we get an answer to the question that you asked? After the 20-year moratorium and the community decides then to sell land within their control on a fee-simple basis, did we decide if that was going to be a collective up-front decision that will just be handled like it is in any other community? Or was the answer that each of those applications will be handled on a case-by-case basis? I'm curious about that because I don't know what kind of criteria might be placed on that and who might be able to buy land versus someone who's...Will you have to be a Tlicho citizen, for example, to buy land after that 20-year moratorium?

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. My understanding of that was -- the answer that we got, anyways -- that it was going to be left up to the community to decide whether it would be a blanket thing or on each individual parcel, but I'll just get clarification on that. Mr. Zoe.

HON. HENRY ZOE: You're right, Mr. Chairman. The onus is going to be on the community government to determine that. As you indicated, they'll be making that decision when the time comes and it's open for them.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Mrs. Groenewegen, do you have anything further on that? Because I think you had some concerns in that area as a way of controlling who can own land and that sort of thing. So if you have any further comments, Mrs. Groenewegen.

MRS. GROENEWEGEN: Well, I guess I would hope, Mr. Chairman, that when the time comes, it would be a very fair and transparent process. It just seems like a lot of authority. I mean, landownership is a pretty serious thing in terms of people putting down roots and investing in the community and in building a home and getting a mortgage and all those kind of things which we consider very desirable things to happen in a community. How a community government would handle that, I guess, would be...Like I said, we don't have a crystal ball, so we can't exactly see how it's going to play out, but that's a lot of authority to decide on a case-by-case basis. I don't want to presuppose that it would be anything but fair and transparent and accessible to anybody who wanted to buy, but I guess we'll just have to trust in the good judgment of the electors in those communities to set up a good policy on it. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Zoe, did you have any comments? Mr. Zoe.

HON. HENRY ZOE: Well, Mr. Chairman, the three groups -- the Government of Canada, GNWT and Treaty 11 -- through their negotiations, this is what they came up with. This is the way they want it and that's the deal. They made a deal and we're just implementing that particular deal. It's been negotiated and it took them ten years to get where they are now. This is what's negotiated and that's what's in the agreement and all we're doing is implementing what's in the agreement for them right now. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Mrs. Groenewegen.

MRS. GROENEWEGEN: This is the last thing I'm going to say on this. I appreciate that ten-year process and I appreciate the culmination of the wishes of the Tlicho citizens and the Tlicho people, and I appreciate their electing for a public government in the communities. I guess though, for the record, I just want to say that we are MLAs. We, as a territorial government, represent everybody. It's our duty to ask questions that we think are in the public interest. So I'm not suggesting that the public interest is contrary to what the Tlicho have asked for, but these are the things that we need to get an understanding of so that when we go out and solicit input from people we have a bit of a background knowledge of it. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. I didn't hear a question there. Mr. Menicoche.

MR. MENICOCHE: Thank you, Mr. Chairman. Just with respect to the community lands being sold after 20 years. There was an example for the Alaskan land claim where, after 20 years did lapse, for whatever reasons, the communities and the regional corporations started disposing of lands because they needed more money. I just wanted to point that out that things may change within 20 years. I'm just wondering if the Tlicho looked at only selling their lands to Tlicho citizens. In effect, what happened in the last government, Mr. Chairman, was that they lost out on everything that they fought for and negotiated with the US government. I was just wondering if the Tlicho or the Minister can speak to that, with respect to selling off lands in 20 years.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Menicoche. Mr. Zoe.

HON. HENRY ZOE: Mr. Chairman, I know with that whole issue of lands, the Tlicho leadership have considered how they should manage their land and the way they wanted it is the way that they agreed to do it. It's in the agreement right now. But that whole issue, I guess, through our community government, they'll probably do all these lands through bylaws. That means there will be a process in place so other members of the community will have input. They'll work it through their whole system. The whole question of if they're going to sell off or not sell land, the onus is going to be on the community government to determine that. So it's hard for me to say what's going to happen 20 years down the line. It's hypothetical. I don't know, but that provision's going to be there for them to deal with their own lands. It will be them making the final decision.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Mr. Menicoche, anything further?

MR. MENICOCHE: No, that'll be fine. Thanks.

CHAIRMAN (Mr. Delorey): Thank you. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. I'd like to ask the Minister why the GNWT's powers to appoint municipal supervisors are more limited under Bill 5 than what is currently in place for other municipal governments and whether the Minister is confident that Bill 5 provides adequate powers to protect both the public's and the GNWT's interests in cases where community governments might be in difficulty.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ramsay. Mr. Zoe.

HON. HENRY ZOE: Mr. Chairman, I'll refer to my deputy minister.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Ms. DeLancey.

MS. DELANCEY: Thank you, Mr. Chairman. If I can't provide enough detail I may, in turn, have to refer some of this to Mr. Kalnay. Again, the difference in powers of the Minister to bring in supervisors between the Hamlets Act and the Tlicho Community Government Act stems from consultation with the Tlicho and it was felt that in the spirit of the Tlicho Agreement the ability of the GNWT to intervene in the affairs of the self-government should be somewhat restricted. We do feel that we've actually got a good compromise here and that the Minister still can bring in a supervisor. Ultimately, if need be, he can require that there be an election for a new council. The main difference is that the Minister doesn't have the authority to do this on his own. It has to be done in agreement, in consultation and agreement, with the Tlicho government. But we do feel there is enough protection here that the Minister can take action if necessary in consultation with the Tlicho. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Ms. DeLancey. Mr. Ramsay, anything further?

MR. RAMSAY: No, thank you.

CHAIRMAN (Mr. Delorey): Okay. Anything further from Members? Mr. Menicoche.

MR. MENICOCHE: Thank you, Mr. Chairman. I'm just wondering if, in terms of funding level for the municipalities, and I don't know if Bill 5 speaks there too much. If the Minister can let me know, Mr. Chairman, what funding capacities would the communities be funded at and are they Tlicho looking at self-sufficiency, as well, where the GNWT is not funding the communities? What direction are we heading there?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Menicoche. Mr. Zoe.

HON. HENRY ZOE: On the funding component of it, we're going to maintain using our same formula financing that we currently use. It will be applied to those four Dogrib communities as we're doing today. So there are no major changes because of this legislation.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Mr. Menicoche, anything further?

MR. MENICOCHE: Thank you, Mr. Chairman. I'm just wondering if there's provision for the Tlicho to be heading towards self-sufficiency, maybe running their own municipalities. I mean, are they heading in that direction or do they want to continue to be, for lack of a better word, dependent on the government, I guess, Mr. Chairman?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Menicoche. Mr. Zoe.

HON. HENRY ZOE: Mr. Chairman, no. By giving them the authority and the responsibilities which are in the current legislation before you, I think it will enhance the community government to grow their self-governing more so than what we now have in place for the municipalities. For me, anyway, it goes beyond and they're in more control of their own destination that they want to go into. It gives them more authority in that respect. More self-governing.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Anything further, Mr. Menicoche?

MR. MENICOCHE: No, thank you.

CHAIRMAN (Mr. Delorey): Anything further from committee Members? Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. One of the interesting things about this legislation is that there appear to be two lists of – and they're not necessarily independent of each other – but there is some effort that has gone into creating two lists for bylaw making jurisdiction in these communities. They've basically taken the hamlets with one list and another list and created these two lists. I would like to ask the Minister why there are these two lists in Bill 5.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Zoe.

HON. HENRY ZOE: I'll refer that to Mr. Aitken.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Mr. Aitken.

MR. AITKEN: Thank you, Mr. Chairman. This was a topic of a lot of discussion in the meetings that lead up to the preparation of this bill. It was discussed extensively between a working group involving Canada, Tlicho and the Northwest Territories. It was considered that we had to capture everything that was provided for in the agreement and, to the extent possible, the words in the agreement should be used so there's no ambiguity between the agreement and the act. But it was also considered that the community government should have the same authorities as other municipal governments would have in the Northwest Territories and the best way of accomplishing that was to provide both lists. So we didn't want to be in a situation where, in trying to merge the lists, we would unintentionally change the meaning in either the claim or the powers that are given other municipalities. So I realize there is some awkwardness in the approach, but at least it's comprehensive. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Aitken. Mrs. Groenewegen, anything further?

MRS. GROENEWEGEN: Thank you, Mr. Chairman. Thank you for that explanation. That makes it clear; it makes sense. I had another question about that. Does the Minister see any practical effect of the bylaw-making powers for housing for residents, intoxicants and gaming, recreation contests, will have outside of what already exists in terms of the Lotteries Act and the Liquor Act? Are there, again, any unique reasons why those things are listed separately? Will it still come under the umbrella? Like, the question was raised this morning, you know, is there a way now that perhaps we can see a big casino opening up in Rae or something because there might be some broader latitude or discretion within those areas for the Tlicho communities? Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Zoe.

HON. HENRY ZOE: I'll refer this to Mr. Aitken.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Mr. Aitken.

MR. AITKEN: Thank you, Mr. Chairman. I'm not sure there is actually an answer to the Member's question about what is the gamut of these powers. I think that will be determined as the Tlicho community governments administer their powers that are provided for in subsection 66(1) and the gamut of them will be determined hopefully at the community level, but if they perhaps overreach possibly by the courts, as well. I was not there at the negotiations where they discussed for the purposes of the claim what was meant by intoxicants, what was meant by gaming and recreational contests. One point that we made though is that the laws of the Government of the Northwest Territories general application will still continue to apply. So, for instance, for intoxicants the Liquor Act will continue to apply, but that doesn't mean that the community government could not enact bylaws relating to other intoxicants, say such as solvents perhaps, and attempt to deal with that particular problem. But they could not, in my opinion, deal with laws for liquor that run contrary to those in the Liquor Act. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Aitken. Mrs. Groenewegen, anything further?

MRS. GROENEWEGEN: No, that's good for now. Thank you.

CHAIRMAN (Mr. Delorey): Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. I guess I'll pick up where Mrs. Groenewegen left off in terms of the casino aspect. As I understand it, under the Lotteries Act currently in the Northwest Territories, there's really no mention of casinos or things of that nature and it causes me some concern that by giving the Tlicho jurisdiction for gaming that they may indeed be able to open up a casino in the community of Rae. That's something I'd like to have some clarification on before, you know, if they are subject to the Lotteries Act and there's no mention of a casino in there then that causes me some concern. I know that's an area that the government, I think, has fallen down on in the past in terms of trying to get some legislation and governing casinos and whatnot. There was talk of it here in Yellowknife some time ago and I remember distinctly that there was no -- or that's what I was told at the time -- legislation governing casinos. That's something I'd like some clarification on, I guess. Maybe the Minister has a bit of that. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ramsay. Mr. Zoe.

HON. HENRY ZOE: Maybe I'll get Mr. Kalnay to respond.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Mr. Kalnay.

MR. KALNAY: Thank you, Mr. Chairman. When we were negotiating these sections and talking about these issues, it was the intention of the Tlicho that they all refer to things of a municipal nature. This act speaks to the same scope of authority that existing municipalities have under our existing legislation. So when they talk about taxation or about gaming or contests or about intoxicants, they're talking about the same sorts of things that municipalities also have authority for. Those lists are, as the previous question indicated, quite similar. As Mr. Aitken indicated though, with respect to intoxicants, if they wanted to legislate about solvents, they could to the extent that the Government of the Northwest Territories hasn't legislated or regulated there. If this assembly chose to make regulations about solvents, it would override the local bylaws on the same. With respect to casinos, I suspect any municipality in the territory could attempt to build a casino just as the Tlicho community once could, because they have authority for gaming. I expect the territorial government would step in quickly and legislate in that area to prevent it from happening. These community governments are subject to almost the same authorities as other municipalities, in terms of the municipalities' authority to improve bylaws. More importantly, they are subject to the laws of general application. So the powers are only the ones that municipalities have and exercise, to the extent that you folks keep them to that line.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Kalnay. Further, Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. That's it.

CHAIRMAN (Mr. Delorey): Anything further from committee Members? Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. I have another question there. I want to ask the question why they didn't want community governments to have the same economic development powers as municipal governments. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ramsay. Mr. Kalnay.

MR. KALNAY: Thank you, Mr. Chairman. This one also was the subject of very lengthy discussions at the negotiation table. The department and the assembly gave these powers to other municipalities. The Treaty 11 Council specifically requested that these community governments not get these powers. We acquiesced to that request. Although it's not specifically required by the agreement, the reason they asked for it was it's their view that the new Tlicho government will collectively deal with economic development for the communities together and that their Tlicho government will undertake those activities of the type that would be contemplated by a municipality elsewhere. Most of the business activity along these lines in these four communities is already under the ownership and control of the Dogrib Treaty 11 Council and their various development corporations of the bands. For instance, the stores and the hotels are already theirs.

CHAIRMAN (Mr. Delorey): Thank you. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. From the smaller communities, outside of Rae, Gameti, Wha Ti and Wekweti, was there any concern that by leaving it with the Tlicho government that it would be dominated by folks from Rae and the smaller communities wouldn't really have as much of a say as they probably should get in terms of economic development inside their communities? I know there is dev. corp. in Gameti and Wha Ti as well. I am just wondering what their thoughts are on leaving this out. Are they concerned that it's dominated by Rae?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ramsay. Mr. Zoe.

HON. HENRY ZOE: No. I think, Mr. Chairman, when the whole issue was discussed at the community level, they didn't want to include the economic development component of it because it's going to be looked after under the Tlicho government. Our assembly will look after it because they have an economic arm that deals with all economic development in the four communities. That whole regional body will look after that. That's why they didn't want to include it in specifically in each of the four communities. It was discussed though. They felt it would be better going the other way.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. I guess down the road the dev. corp. will be rolled up into the new economic arm of the Tlicho. Is that the plan?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ramsay. Mr. Zoe.

HON. HENRY ZOE: They do have an arm off the Dogrib Treaty 11. It's under the umbrella of the economic arm of Treaty 11. That's where the dev. corp. and such will fall under.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Anything further from committee? Mr. Menicoche.

MR. MENICOCHE: Thank you, Mr. Chairman. I have a question for the Minister with respect to eligibility requirements for voting. Under the Tlicho Governance Act, it allows some one other than a Canadian resident to vote as long as they live in the Tlicho government area. I wonder if that would impact the GNWT in any way. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Menicoche. Mr. Zoe.

HON. HENRY ZOE: I will let Mr. Kalnay to answer that.

CHAIRMAN (Mr. Delorey): Thank you. Mr. Kalnay.

MR. KALNAY: Thank you, Mr. Chairman. Again, this is drawn straight from the Tlicho agreement in section 8.2.3(a) where they included permanent resident of Canada. The purpose of this is largely to permit the children of aboriginal persons who were adopted out of Canada in years passed to participate in their First Nations government that they are a member of without having to deal with the complicated legal question of Canadian versus American citizenship. It's not intended to welcome people from all over the world into voting here, nor is it intended to set a precedent for other communities.

CHAIRMAN (Mr. Delorey): Thank you. Mr. Menicoche.

MR. MENICOCHE: Thank you, Mr. Chairman. My only concern was you will have all kinds of people living there that can become permanent residents and be voting in the communities. It just wasn't clear to me. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Menicoche. Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. Have there already been folks identified who are beneficiaries of the Tlicho agreement that are non-Canadian? Was there an exodus of people out of that region to other countries? It just seemed unusual. It just caught my attention. I don't think it's precedented anywhere else. I don't think in any other municipal, territorial or federal election, non-Canadian citizens who are permanent residents are allowed to vote in this country. I just wondered if it was a fairly significant group who prompted this policy.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Zoe.

HON. HENRY ZOE: I am not sure, but I might have relatives in Arizona; the Navajos. That's why that provision is there.

---Laughter

That's why that provision is there. Mike, do you have any other additional comments?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe, Mr. Kalnay.

MR. KALNAY: Thank you, Mr. Chairman. Up until the 1970s, non-citizens of Canada were in fact permitted to vote. They only lost the right to vote when Canadian citizenship was made a voting requirement in Canadian elections. There were some court cases proceeding along where people were talking about non-citizens who were permanent residents should be given the right to vote. The Government of Canada has since stopped advancing that idea so it's not moving forward for everybody. The Tlicho had a philosophical question about whether any of their citizens who may have been adopted out should be able to vote. I haven't had a look at the list or the Tlicho citizen list that's being developed by the Treaty 11 Council now, but I don't imagine it's a big number of people who fall into that category. Nevertheless, anyone who is a permanent resident and does reside in Rae or any of the other communities will be eligible to vote under these rules. As one of the other Members of the committee has pointed out, about 92 percent of the people there are Tlicho. So that means some subset of the eight percent might not be Canadian. It's a very small number of people you are talking about.

CHAIRMAN (Mr. Delorey): Thank you. Mrs. Groenewegen.

MRS. GROENEWEGEN: Actually, in Hay River, it's a fairly significant number. I always notice that on election day when I am going over the voters' list. There are quite a few permanent residents who can't vote who are friends of mine...No. Do you have any provision for community acceptances or any way to become a Tlicho citizen through any other process than being born into it? Is it purely heredity or is there a vote you can take to adopt new people?

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Zoe.

HON. HENRY ZOE: Yes, we do have a process in place to adopt others to become a Tlicho citizen. There is a process in place. We have a committee system.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Mrs. Groenewegen.

MRS. GROENEWEGEN: I know I asked this before at some previous date. Just so people know, what is the rule in terms of marriage? Do people become Tlicho citizens by marrying a Tlicho? What is the rule?

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Zoe.

HON. HENRY ZOE: I think it's spelled out in the agreement. Maybe I can get Mike to make reference to that section.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Mr. Kalnay.

MR. KALNAY: Thank you, Mr. Chairman. Chapter 3 of the Tlicho agreement covers enrolment and it's very specific about who can be enrolled as a citizen right now. That would be a Tlicho citizen who is also a Canadian citizen or a permanent resident; someone who is adopted out and became a citizen of a country other than Canada; or, someone who is accepted pursuant to the community acceptance process and the Tlicho Constitution. So you have to be Tlicho yourself or a community-accepted member. Further along in the agreement, it talks about how they are going to decide who can become one and it's essentially a decision of the enrolment committee. There will be a Tlicho citizens' registry maintained by the Tlicho government and they will make that decision for themselves. What they are intending is you have to be a Tlicho citizen or a descendent to one.

CHAIRMAN (Mr. Delorey): Thank you. Mrs. Groenewegen.

MRS. GROENEWEGEN: I will defer to one of my colleagues.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. I would just like to ask the Minister whether he's had discussions with the Tlicho on whether the bill should allow for community governments to enter into program and service delivery agreements with one another, whether he sees that as a problem area.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ramsay. Mr. Kalnay.

MR. KALNAY: Thank you, Mr. Chairman. The agreement contemplates such an arrangement and it seems to be an oversight in the bill that permission to do that isn't there. We communicated with the Tlicho representatives over the weekend and asked them to get their views together pretty quickly on that question.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Kalnay. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. I guess it can enter into such agreements with just about anyone else. I am just wondering will the Minister be requesting an amendment then.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ramsay. Mr. Zoe.

HON. HENRY ZOE: If it's required, then I will be asking for amendments.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Anything further from committee? Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. Mr. Aitken made reference to the consequential amendments to the other legislation and we understand that amendments to this legislation would require consultation with Tlicho government. Would amendments to other legislation as a result of the passage of this legislation...I would assume there is no requirement for consultation.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Aitken.

MR. AITKEN: There actually has been consultation with respect to the consequential amendments that are included in Bill 5. That was part of the process of developing the bill and the Tlicho were involved that. I alluded when I answered Mr. Menicoche's question to the fact that there may be a proposal for an amendment that will consolidate the various schedules of consequential amendments now down into one. The Tlicho legal representative who helped draft the bill has also been consulted with respect to an amendment that would consolidate those amendments. So whether it's strictly required or not, it has been done. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Aitken. Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. What about future amendments to other legislation related to this bill?

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Aitken.

MR. AITKEN: Thank you, Mr. Chairman. Mrs. Groenewegen is referring to something that actually happened, which is the scenario where we missed something. There is, in fact, a need to change an act that we hadn't contemplated at this point. I think probably we would not be required to consult if we were amending another act just to reflect the fact that the Tlicho community government legislation existed. However, I think the Department of Municipal and Community Affairs and certainly the Department of Justice would strongly advise in every case that we would consult with the Tlicho in any event because there is no reason not to and every reason to consult with them and see what their views are, if only for the reason that they may be able to point something out to us that we hadn't contemplated ourselves.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Aitken. Mr. Menicoche.

MR. MENICOCHE: Thank you, Mr. Chairman. The committee did note that there is a provision requiring balanced budgets in the bill. I guess a question, Mr. Chairman, is whether or not the Minister thinks the provision is useful in Bill 5.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Menicoche. Mr. Zoe.

HON. HENRY ZOE: Mr. Chairman, this clause that the Member is talking about was an oversight. It is in the legislation now, but if the committee suggests that we take it out, we are willing to take it out.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Mr. Menicoche.

MR. MENICOCHE: Thank you, Mr. Chairman. Nothing further on this note.

CHAIRMAN (Mr. Delorey): Thank you. Anything further from committee? I have one closing comment from me and we touched on it earlier. I know the Minister has said this is the wish of the communities, the way Bill 5 is drawn up and where they vary from the municipal acts now as far as eligibility to run, let's say, if you have a criminal record or if you are indebted to the municipality or whatever, they are asking for exemptions here. I wonder if other municipal governments came for these same amendments, would our government look at it the same way. This is what they want, so we are just going to approve it. This is kind of the answer we got; this is what they want, so we are just giving it to them. How do you propose looking at changes to this? If the question comes up from other governments, how do we approach it? Mr. Zoe.

HON. HENRY ZOE: If other aboriginal groups, particularly, conclude their self-government agreements with the Government of Canada and with the GNWT, then we will use the same process as we used with the Tlicho people. But other municipalities, if they are requesting amendments to existing legislation -- as I indicated earlier, our department works closely with the Association of Communities and all the mayors -- if there is a will from that particular group or a suggestion made by that group, our department will consider it.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Anything further from committee? Is the committee agreed that we are concluded with the introduction to Bill 5?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): I think this was advertised as a public review. We will be in Rae tomorrow and Wednesday and then all day Thursday in Yellowknife for presentations from the public on Bill 5. Then, hopefully, we will be able to get together with you again on Friday. I think that's about it for committee today. Thank you for appearing before committee with the introduction to Bill 5.

HON. HENRY ZOE: Thank you very much.

CHAIRMAN (Mr. Delorey): At this, we will close this portion of the public hearing on Bill 5.

—ADJOURNMENT

Northwest Territories
Legislative Assembly

Standing Committee on Governance and Economic Development

Public Hearing on
Bill 5, Tlicho Community Government Act

Chair: Mr. Paul Delorey, MLA

STANDING COMMITTEE ON GOVERNANCE AND ECONOMIC DEVELOPMENT

Chairman

Mr. Paul Delorey, MLA, Hay River North

Members

Mr. Robert Villeneuve, MLA, Tu Nedhe, Deputy Chair
Mr. Roger Allen, MLA, Inuvik Twin Lakes
Mrs. Jane Groenewegen, MLA, Hay River South
Mr. Kevin Menicoche, MLA, Nahendeh
Mr. David Ramsay, MLA, Kam Lake

Witnesses

Grand Chief Joe Rabesca, Dogrib Treaty 11 Council
Chief Charlie James Nitsiza, Wha Ti First Nation
Chief Archie Wetrade, Gameti First Nation
Chief Joseph Judas, Dechi Laot'i First Nation
Mr. Alexis Arrowmaker
Sub-Chief Clifford Daniels, Behchoko First Nation
Mr. John B Zoe, Chief Negotiator, Dogrib Treaty 11 Council
Mr. Eddie Erasmus, Senior Lands Negotiator, Dogrib Treaty 11 Council
Ms. Bertha Rabesca-Zoe
Mr. Lewis Wedawin
Mr. Jimmy Rabesca
Mr. Pierre Beaverho
Mr. George Mackenzie
Mr. Phillip Huskey
Mr. Joe MacKenzie
Mr. Eddie Koyina, Mayor of Rae-Edzo

Committee Staff

Mr. David Inch, Committee Clerk
Ms. Katherine Peterson, Law Clerk
Ms. Karen Lajoie, Deputy Law Clerk
Ms. Colette Langlois, Director of Research

STANDING COMMITTEE ON GOVERNANCE AND ECONOMIC DEVELOPMENT
Public Hearing on Bill 5, Tlicho Community Government Act
May 11, 2004
Rae, Northwest Territories
2:15 p.m.

CHAIRMAN (Mr. Delorey): Good afternoon, everybody. I'd like to call this Standing Committee on Governance and Economic Development to order. I would like to start off by asking Louis Wedawin from Wekweti to start off by saying an opening prayer for us.

—Prayer

Thank you very much, Louis. We'll go to the adoption of the agenda, for committee Members. Agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): I'll then proceed to the introduction of our committee Members and I'll start off at my far right. Please introduce yourself.

MR. MENICOCHE: Hello, my name is Kevin Menicoche, MLA for Nahendeh.

MR. VILLENEUVE: Good afternoon. My name is Bobby Villeneuve. I'm the MLA for Tu Nedhe.

CHAIRMAN (Mr. Delorey): And, at my far left.

MR. RAMSAY: Thank you, Mr. Chairman. David Ramsay, MLA for Kam Lake.

MR. ALLEN: Roger Allen, MLA for Inuvik Twin Lakes.

MRS. GROENEWEGEN: Good afternoon. It's good to be in your community today. Jane Groenewegen, MLA for Hay River South.

CHAIRMAN (Mr. Delorey): Thank you. Myself, Paul Delorey, MLA for Hay River North and Chair of the Standing Committee on Governance and Economic Development. We also have with us our committee clerk, Dave Inch; director of research, Colette Langlois; our Law Clerk, Katherine Peterson; and, Karen Lajoie, deputy law clerk. So with that, I will go into a few opening comments.

Chairman's Opening Remarks

Welcome to the hearings of the Standing Committee on Governance and Economic Development on Bill 5, the proposed Tlicho Community Government Act. I would like to thank the community of Behchoko, or Rae-Edzo, for welcoming us here today. I would also like to thank the people who have travelled from other communities to be here today. We are looking forward to hearing your comments on this bill, which we know is very important to all of you.

The Tlicho Community Government Act is one of the three laws that the GNWT needs to pass in order to implement the Tlicho government agreement. It will establish the new community governments to replace the municipal and band councils you have now. It also sets out your structures, your powers and responsibilities.

Please help yourselves to copies of the bill and the handouts on the table at the back of the room. The handouts explain some of the highlights of the bill. As well, we were prepared to make a bit of an overhead presentation on the bill, but given the list of presenters, most of you I'm sure are quite acquainted with the bill so that may not be necessary for this setting.

To briefly explain who we are and what we are doing here, the Standing Committee on Governance and Economic Development is a committee of regular Members of the Legislative Assembly. We are not part of the government or Cabinet which prepared and introduced this bill. Bill 5 was referred to us for review after being given first and second reading in the Legislative Assembly as a whole. It is our responsibility as a standing committee to get public and stakeholder input on this bill, which we do by holding hearings such as this one. We want to hear your views and comments, which we will then report back to our colleagues in the Assembly. The Assembly as a whole will then decide whether to give the bill third reading so that it can then become law.

These hearings are a continuation of the public review process. We heard from the Minister yesterday in Yellowknife and we will have further hearings in Yellowknife later this week. So far, we have five witnesses scheduled. We encourage everyone and anyone to make their thoughts known to the committee on this important legislative initiative. If you wish to be added to our list as witnesses, please see our committee clerk, Mr. Dave Inch, at the end here. You can also give us your comments in writing if you wish; if you would sooner do that than speak to us here, we would encourage you to put your thoughts in writing. Mr. Dave Inch, again, will tell you how to get those written reports to us.

With that, we are prepared to start the hearing process. The first presenter that we have is Grand Chief Joe Rabesca from the Dogrib Treaty 11 Council. We would turn the floor over to you, Mr. Rabesca, if you want to start with your presentation.

Presentation By Dogrib Treaty 11 Council

GRAND CHIEF JOE RABESCA: (Translation) I am the grand chief of this Dogrib region. We have the four communities brought into this hearing this afternoon. I feel much more comfortable when I speak my own aboriginal language because the majority of my people that I represent speak their mother tongue, which happens to be Dogrib.

The main issue of this afternoon's hearing has to do with the bill that's before the House. It's something that has been worked on for a little over ten years. We have been collecting a lot of information on the history of the Dogrib; our forefathers and what they envisaged is all in this bill.

I would like to say that this bill before the House, hopefully, will come through the House quite comfortably and safely because this bill is particularly for the Dogrib people in this particular area. We have been discussing this land claim issue dating back to1976. Since that time, and right up to this date, we have seen some Inuvialuit land claims and the Nunavut government created. We have worked on this claim for many years and we're quite confident that we will be able to work toward our own destiny and controlling our own interests. That is our aim, our goal, and that's what we're here for.

We have brought a lot of elders to witness what our plans are. I, for one, feel uncomfortable going to the public for their input because this is not directed at them. It's particularly made for the Dogrib and it's something that we have been working at for over ten years. We've gone through a lot of assemblies and there are a lot of people who have put a lot of effort into it, from the youth organizations to the elders. Knowing that we've been working quite cooperatively with both the federal and territorial governments, I feel quite comfortable and confident that the present MLAs might want to help us to see that the passage of the bill occurs quite smoothly.

With regard to the hearing this afternoon, all the elders have reminded us that it's always good to see committees coming into our communities and it would be good if they would be able to visit the other communities, other than Rae alone. We have the outlying communities like Wha Ti, Gameti and Wekweti. The bill is pretty well made for the people of this Dogrib region, so if you only could go down to other communities, it would be good, I guess, to inform better. I'd like to allow a deputy grand chief to speak; some of the elders from the communities might want to make a small presentation as well.

Certainly, the various organizations and the leaders want to do the best they can for their own respective regions that they represent. I assume all the MLAs have the same feelings, whoever they're representing throughout the Territories. This is a territorial issue because it's going to be translated into a territorial law. I'd like to just say that for now, so I'll give the opportunity for elders to speak. Thank you.

—Applause

CHAIRMAN (Mr. Delorey): Thank you very much, Mr. Rabesca. As you know, when the bill was introduced in the House, our timeframe between the time it was introduced to us and the time we want to bring it back to the House was fairly short. So our committee looked at a way that we could do public hearings on this in a fairly timely fashion. That had a lot to do with why we chose to try and get it all done here in one place rather than go to all the communities. It was, more or less, a timing issue. We certainly do encourage anybody from the communities who wants to make a presentation, either here or in Yellowknife, to come forward and let us hear their views and concerns that they have on the bill.

With that, we normally would open up the floor to committee Members if they have any questions or points of clarification that they would like to address to you, Mr. Rabesca. So before we go to our next presenter, maybe I will ask committee Members if anybody has any questions that they would like to ask. Mr. Rabesca, would you be prepared to maybe answer some questions for committee Members? Thank you. So, with that, I will open the floor to committee Members if they do have any questions of the grand chief. Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. Not so much a question for the grand chief, but just a comment. In his remarks, he mentioned that this legislation primarily applies to the Tlicho citizens who live in the four communities that are specified in the legislation. I just wanted to say that the territorial government is a public government and it may not appear that this legislation would have much bearing on other people. In fact, it is quite unique and it could be somewhat precedent-setting for other communities down the road. I think it is of interest to all people in the North.

I think that, as well, you have chosen a very interesting model of governance for your communities and I appreciate the fact that you have chosen public governments in a self-government region and there will be opportunity for other than Tlicho citizens to participate in your community governments. Our role, I guess, in coming to Rae and having the public hearings in Yellowknife, is to ensure that people understand what it is about. I think that you have received, and will continue to receive, very widespread support for what you are attempting to accomplish here in you region.

We're not out looking for anybody who is disgruntled or unhappy. We're just here to hear the public input and we appreciate your presentation and your comments here today. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Any other committee Members who have comments or questions? If not, thanks for your presentation, Mr. Rabesca. I would next call upon our next presenter, Chief Charlie James Nitsiza from Wha Ti.

Presentation By Chief Charlie James Nitsiza

CHIEF CHARLIE NITSIZA: Mahsi. (Translation begins) I'd like to thank the committee for coming into our community. We're here to talk about our concerns about this bill. You have heard what our grand chief has said. I can't say more than what he has said, but as the Dogrib people in one of the communities, we have come and travelled a long ways and as we remember our ancestors – how Edzo had made chief and Monfwi made the treaty for us, and the Chief Bruno – and all the powerful words that they used to pave the way to be here...We are here because of all the powerful words that they said for us.

We have travelled a long ways to get here. There are many elders who have passed on who contributed to this bill; they are not with us today. Those who are still with us today also contributed a lot.

We want to be able to pass this bill that we are talking about as soon as possible and when we gather like this, that's the main issue that we always talk about. We gather two or three of us and we have discussions about this all the time because this bill that we are talking about is very important for us; not only for us, but for our future generations to come. We are talking about how we can benefit our people with this.

We've worked on this for over 12 years and we are careful not to leave anything out, anything that is important. That is how we have worked on it to this point. The government that is here today, we are here to express our concerns. With the Tlicho agreement, as Tlicho people, it's for our people in the future. It will not affect other communities. It is for our communities, but you have scheduled two days in Yellowknife to discuss this. It is not for Yellowknife to use, but you scheduled two days in Yellowknife. The chief said there are other Dogrib communities that you should visit. You should give them the days to hear the concerns of the elders. Sometimes these things do not happen as we plan.

We're talking about self-government for our communities and we want this Tlicho agreement to be passed as soon as possible. There will be many others that will be speaking so I won't talk too long. I would like to thank the committee for coming to our community and I appreciate the elders and community members that are here today. There are so many elders that I would like to thank that are not here with us. I'm sure that a lot of people will make their comments. What we're asking of you is to support this bill and have it passed as soon as possible. Thank you. (End translation)

—Applause

CHAIRMAN (Mr. Delorey): Thank you, Mr. Nitsiza. Again, I would ask the committee Members if there are any comments or questions. Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. I would just like to ask, through your own community governments, whether you feel that, for the folks in the communities that we're not visiting, the other three communities, there is a role for our government to play to go there and explain this community governance model in more detail. Do you think there's a benefit to that or do you think that your government has done an adequate job of explaining that to your own people? A lot of the legislation in Bill 5 is very similar to what's available in hamlets and other communities now, but there are some very distinctive differences as well. Do you think there is enough awareness presently in the other three communities about this new legislation, the differences from what they have now and the implication of those differences?

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Nitsiza.

CHIEF CHARLIE NITSIZA: It's pretty clearly understood what we said because...(inaudible)...

MRS. GROENEWEGEN: Okay, I'll try again. Speak louder?

CHIEF CHARLIE NITSIZA: Yes.

MRS. GROENEWEGEN: Okay. You had mentioned that the committee is spending a couple of days in Yellowknife, but not visiting the other three Tlicho communities. Are you asking or are you suggesting that this territorial government has a role to play in creating more awareness about this new legislation and how it will impact on how the communities are governed after it comes into effect? I was just wondering if that was what you were suggesting we needed to do. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Nitsiza.

CHIEF CHARLIE NITSIZA: Mr. Chairman, if I may. In the future, maybe go to communities instead of...I understand what the chairman is saying; that time is crucial and, in view of the time that they have, they decided to come here and not go to the communities. But the question is why two days in Yellowknife instead of consulting with the communities? Instead of having two days in Yellowknife, in the future, maybe contact one of our offices if you want to go into the communities; we have to prepare ourselves for these meetings. Thank you.

CHAIRMAN (Mr. Delorey): Thank you. Maybe I could just clarify something. Actually, we only have one day of public hearings in Yellowknife. We had the first day for the Minister to introduce the bill in front of committee and then we have two days here in Rae, and then one day of public hearings in Yellowknife. The second day in Yellowknife is to go over the bill with the Minister again. So we'll only be actually doing one day of public hearings in Yellowknife.

When we went into this process, we looked at going to one place or to all the communities and it was really a timing issue to try and accommodate getting this bill ready for the June session. So we appreciate that and we would have liked to have probably gone to other communities as well. Maybe in the South Slave or to Inuvik or whatever with this bill because, although it is for the Dogrib people, it is a bill that the territorial government has to pass legislation on. So it was kind of a timing issue, but we appreciate your concerns for not going to all the communities as well.

Anything further from committee? If not, we will go to the next presenter. On my list, I have Chief Archie Wetrade from Gameti.

Presentation By Chief Archie Wetrade

CHIEF ARCHIE WETRADE: Thank you. Mr. Chairman, we have a Dogrib translating so with my respect, as I have our elders sitting behind me, I'll just make this in my language. Thank you.

(Translation) I'd like to thank you for gathering here. We're here to discuss the bill and the two chiefs have already spoken. I'd like to thank them. They have spoken about their concerns of their own communities and we have a lot of other community leaders that are here.

We are here to discuss this one issue, which is the bill. But, Mr. Chairman, as you said earlier, this bill is important to the community, which is true. Some people know our previous leaders contributed to this bill who are not here with us today, but we also think about our generations to come. That is who we are trying to help. That is what the two chiefs who spoke before me had said previously. We have to be able to make a path for our people, our children. That is why we are here today.

Mr. Chairman, the three communities, I would prefer you to travel to these communities because this arrangement was made on a short notice. I wasn't able to bring a lot of my people with me and I would have preferred that our people heard about this meeting previously. I do have a concern about that. I also agree with what the previous chief had said; we want your support on this bill and we will support you to pass this because this bill is very important for our future government. That's all I wanted to say. Thank you.

—Applause

CHAIRMAN (Mr. Delorey): Thank you, Mr. Wetrade. Again, I would like to open the floor to committee Members if any of them have any comments they would like to make at this time or questions. If not, I'd like to thank you, Mr. Wetrade, for your presentation and we do recognize your concerns. It would have been nice to have more time to go to your communities one by one. If we hear enough of that, the committee will have to look at it, but we also don't want to slow the process down where we couldn't get it ready to bring to the House in June. Thanks very much for your comments.

CHIEF ARCHIE WETRADE: Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): With that, we'll go to the next presenter on my list, Chief Joseph Judas from Wekweti.

Presentation By Chief Joseph Judas

CHIEF JOSEPH JUDAS: Thank you, Mr. Chairman. I'm the chief of Wekweti, Chief Joseph Judas. We gathered here to present our concerns to the committee. We're here to bring up concerns. This is an important bill for our communities. As leaders of our communities we have to bring up the concerns that our people have. That is part of our

duties, as you know; you are also leaders of your own communities and you bring up issues that concern your communities. That is exactly what we're doing here.
In the past, we have had many people work for us who contributed to this for many years. We're trying to make the best agreement possible for our people and we want this to be passed as soon as possible. That is why we're here; to push this forward. As leaders of the government, we have governments that are new every once in a while. So we want to be able to pass this for our people. That is why we are here today talking to you so that we can do this for our people. This is a big event for us. This is an important issue that we are talking about. As leaders, we want you to pass this bill for our people.

The previous chiefs have spoken. I share the same concerns and these are all the things that we've contributed to this agreement for our future. We went to a lot of communities and we also selected our MLA. We had a lot of concerns, that's why we are here today. It's important for our land. We wanted to get it passed as soon as possible because it's important for our community government.

I just wanted to say these few things to you regarding our concerns. I have brought approximately ten people with me from my community, but there are still many more that are left at home and the other three communities. I would prefer also that you had travelled to our other three communities and I would have liked them to hear what you have to say because we're trying to keep our people informed and one of the most important things is for us to get this bill passed. As the grand chief had mentioned, we had a lot of elders that helped us to this point. It is a process of life that we cannot control, but there are a lot of elders that helped us to get this far.

I just wanted to say those few things. Thank you, Mr. Chairman.

—Applause

CHAIRMAN (Mr. Delorey): Thank you, Chief Judas, for your comments. Again, the timing issue as far as not being able to travel to all the communities, we appreciate your comments on that and we share your concerns. I would like to maybe again open the floor to any of the Members if they have any questions or comments for the chief. Hearing nothing then, I would like to thank you again, Chief Judas, for your presentation and we will take your comments into consideration for sure.

Next on my list, I have Elder Alexis Arrowmaker.

Presentation By Mr. Alexis Arrowmaker

MR. ARROWMAKER: I just came to observe and have heard most of our leaders from various communities make their presentations. Certainly we have received and welcomed the MLAs from Yellowknife that are working on this bill. I guess they're here to ask some questions, so it's pretty hard to make extra comments on what's already in the bill on behalf of this Dogrib nation. The only thing that we are looking forward to is to see that this bill apparently will be able to go through the House and then eventually hope that this government and its MLAs will be able to support it and have a safe passage.

Here we're not trying to answer a lot of the technical questions that are within the bill. Knowing that the bill itself is there for a reason and certainly we don't want to wrest it aside and then eventually we'll be done afterwards. That's not our intention. Our intention is to make it work and eventually put it into operation once it's passed through the House. With the good intent and good cooperation, I guess everything is all built into this bill.

We're not here to criticize one another's activities. We're not expecting any other government to put us down because of this bill and we're not trying to outdo their work or think that they're not doing enough for us. I think it's in the best interests of the Tlicho government, and possibly this territorial government and other governments, to work cooperatively, hand in hand.

Yes, we have learned from the past. I think we have been working pretty well together to date. I think we have had a good working relationship with the people throughout the Northwest Territories, regardless of their background; organizations and various levels of government. You are here this afternoon to go over this Tlicho Community Government Act that is before the committee. We can appreciate what you people have done for us and we're quite thankful for it. Knowing that in the very near future when you people reassemble into the House and I think you people might want to go over this bill.

I would certainly like to give you a hand because I, for one, have been working really hard with both the federal and territorial governments and I think the cooperation and work relationships that we have doesn't stop just because of one bill that has been introduced or passed. This bill, itself, I guess, has been in the works for over ten years, like what the previous leaders have mentioned. We have representatives from all three levels of government that have worked toward the conclusion of this bill; the federal government, territorial government and our future government that we are working on. This claim is something that all the communities and a lot of other nations across the continent are looking forward to seeing settled.

We're just one of the nations, or communities, that worked on the claims thus far and I think we're making history. I think it's not something new to the MLAs. In the past, I think they have dealt with other claims that went through their House. It's good for any government that this claim of such magnitude will work cooperatively with every level of government. The only thing is that we, as members of the communities and elders and youth alike within the communities, are only hoping that this bill will be able to go through the House comfortably and peacefully and be passed by the Members of the Legislative Assembly.

We are all looking to the future and good destinations and we're building a new style of government. It's something that our government has built with the territorial government and the federal government. I think we feel quite thankful that we have worked together thus far, closely together, to make this bill possible. Certainly, I think, without the history, I don't think we would have gotten this far. Without the future generations envisioned, I don't think it would get anywhere. With the cooperation of every race and level of government, I think we've gone a long way but we still have a lot of work to do in the future.

When this bill is concluded, I think you people will be thankful. Hopefully, in the future, other organizations might want to follow suit and possibly work toward claims. A lot of elders who have worked on it, a lot of young people who have worked on this claim for a little over ten years, I think they have passed on. If they were living, I guess they would give you a lot of good comments. They would appreciate it and they would probably give you their thanks for the cooperation we have done so far. Thank you.

—Applause

CHAIRMAN (Mr. Delorey): I would like to recognize at this time, at the table with Mr. Arrowmaker, Sub-Chief Clifford Daniels from Rae. Thank you very much, Mr. Arrowmaker, for your comments. There is no doubt that this bill is very important to you and your people. With that, I would again open the floor to committee Members if they have any comments or questions for Mr. Arrowmaker. Hearing none, thank you very much, Mr. Arrowmaker, for your presentation and comments. We will keep them in mind. Mahsi.

Mr. Daniels, would you like to make some comments?

Presentation By Sub-Chief Clifford Daniels

SUB-CHIEF CLIFFORD DANIELS: Yes, I would like to welcome committee to...(inaudible)...on behalf of community members. This is only my first hearing. I would like to just carry on from where Alexis left off. I will be doing this in Dogrib. I will just start off by saying I think this whole community government is very important to the future. A lot of people have passed on waiting for the day to come. We have the younger generations expecting us to proceed and continue with their help, not just us.

Everybody is just trying to do their best and are hoping to proceed. It's a process that's happening. I, just like the previous chief, have supported this whole community government process; I am sure everybody has. There is hardly anyone against it, but for the cause, the whole thing must begin with another step forward.

If I can just continue in my language. (Translation) Your cooperation on the bill itself means a lot to the Dogrib Nation for future economic development and the future of our youth. How they are going to handle their education and how they will be able to relate to various levels of government...One of the elders said that we had a good working relationship with different levels of government, which is true. The bill itself, I guess we aren't debating that. It's strengthening our good working relationship with various levels of government.

It certainly was a sad moment when we lost our chief who had worked on this for many years, but, today, what he left behind is what we are working on. Our ancestors and people have done a lot for us. They left a good thing for us when they passed on. Now with our generation, we will have something to leave behind for future generations to work with. So with that, I will stop.

---Applause

CHAIRMAN (Mr. Delorey): Thank you very much, Mr. Daniels, for your comments. Again, I will open the floor to the Members for any comments that they may have. If not, again thank you for your comments and concerns.

At this time, I have no further presenters on my list, but if there is anybody in the audience who would like to come forward and say a few words or make some comments on Bill 5, we would appreciate your comments and we would ask for anyone who comes to the table to identify yourself and proceed with your comments.

Presentation By Mr. John B. Zoe

MR. JOHN B. ZOE: I am chief negotiator for the Treaty 11 Council. I had an opportunity to work on the agreement for the last 12 years or so. Just by way of background, we have a history in the Dogrib area. We consider ourselves to be one people, one nation, and our way of life is designed that way. We know that over a number of years, new governments have come in. We have ended up having a test of wills – the band councils when dealing with the will of the federal government, and the hamlets when dealing with the will of the GNWT – but all this time, we have managed to maintain the will of the people. So it's easier to join the franchises of government. It's either the Indian Act or the community governments that were set up.

We also know that our way of life and our history tells us that, up to the point where the treaty was signed in 1921...Our Chief Monfwi, who represented our people at the time, spoke on our behalf and outlined a tract of land and he said would maintain our way of life, which includes everything in there that would give us to the tools to continue forward.

The struggle since that day is to try to find recognition for that, to try to close that gap. The systems that we are now operating under disenfranchise us from who we were and our way of life. The struggle to get recognition for who we are is the process that we are in now to try to reach that goal.

At least when we get there, we would have the tools that we would need. We might be removing the structures that were placed there by other governments. We can get rid of them – I think the agreement says we can disassociate ourselves from those structures

-- but we want to maintain the money that came with them so we can start exercising...What one of our chiefs talked about, Chief Jimmy Bruneau, was that we should speak strongly, as if we were two people. We want to maintain who we are and the tools that we have acquired, so we are redesigning it so it is more close to what we have today.

One of the things that has happened over a number of years, operating under the Indian Act as well as the Community Councils Act, is we have worked to make those structures stronger. The only way to make those structures stronger, as government, is to draw on our own inherency. Once you draw on your own inherency, then problems start to develop for us, where people start to say how come our languages are disappearing and our history and way of life are gone. Is it because we don't exercise those same structures that we had?

So what we are trying to do now is, where we feel we are disenfranchised from our own inherency...One of the things we want to do is close the gap in communities like Rae-Edzo -- and I kind of understand the other communities because each community is a little different in how it was set up; it all has to do with planning -- where even before the treaties, we know the people were there.

When we started upgrading under the Indian Act for accessing those programs and services, we had to operate under those structures. This whole exercise is about getting recognition for people; for who they are, their history and their way of life. At the same time, tools were developed to help and I am sure the will of government at the time was to try to help people to try to achieve that. We know that what we are doing now is to try to change it and make sure it is more fine-tuned towards what they are trying to do.

In the end, as we go through these exercises, we are looking for recognition for the agreement which allows us to deal with present-day governments on how programs might be delivered and provides recognition for the government that we have.

All I am saying is that one of the things that the Tlicho Community Government Act does is give us a way to combine these two structures that have been around for the last 30 years or so. In the four Dogrib communities -- and it might apply in other places -- all of the infrastructure, or a large percentage of it, in those communities is under the territorial government. On the other hand, under the Indian Act, we have just the people under that act. Those are things that are answerable to other governments, but our way of life and our way of thinking is we are looking for this recognition for who we are, which is what we did through the agreement that was passed in October. I would like to thank all the MLAs who were there at the time; we never really had a chance to do that.

Now, the agreement calls for a revamping of our community government, so that we bring those two together in that area really designed by the agreement which recognizes who we are. We are using that inherency to try to change the existing structures in place now so we don't feel disassociated with the community that we live in, in spirit as well as in body, and government structures. So that's what we are working towards and it's a fulfillment of what Chief Jimmy Bruneau talked about: how we should be strong like two people. It's the implementation of what the elders have spoken about before. Thank you very much.

---Applause

CHAIRMAN (Mr. Delorey): Thank you very much, Mr. Zoe, for your comments. Once again, I will open the floor to Members if they had any comments or questions. Mr. Allen.

MR. ALLEN: Thank you, Mr. Chairman. I want to extend my appreciation to all the previous speakers. I think your comments are important, speaking as an aboriginal from another region to of this territory that is also looking at some government concepts. Constitutionally, I think you laid out fairly well that you are looking at having your own self-government process in place, and I don't think you will have anybody disagree with supporting it. I just wonder, in terms of some examples that you used, would you not consider that kind of a closed society, in terms of political institutions here. You alluded to how you see it being more of an open government even though you have it lead by the Dogrib people. If you could comment on that, thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Allen. Mr. Zoe.

MR. JOHN B. ZOE: I guess the process that was used so far, especially in the land claim agreement, is imbedded in history and our way of doing things. As we have done with the information we have been giving over a number of years, we go into the communities and try to explain things as much as we can. Obviously not everything can be covered, but the spirit and intent of what we go there for, we try to maintain as much as we can.

So that is something that I think will try to work out with our own government when we set it up, for us to try to maintain -- even if we have our own committee hearings in the future -- that we touch base with as many community people as we can. We need to recognize also that to have good governance means the participation of people and it means that almost every community has to have some input. One of the earlier comments of not going into the communities stems from our way of doing things.

For 12 years, we've been going to the four communities to do information tours. So in the minds of people, they just assume that's the way things always happen with everybody else. So when we look at the committee going to only one community and then we start scratching our heads, maybe that's something that a dispute/resolution will work out in the future.

I guess all we are saying is that is the way we have done things -- obviously not everyone does it -- but we understand it has a lot to do with timing and that's a good thing. I think the will of the people is to try to get this thing over with so we can start dealing with the next legislation. We may provide some comments on which communities might be visited in the future. We weren't really paying attention this time because we just assumed that's the way life goes for everybody. Mahsi.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Mr. Menicoche.

MR. MENICOCHE: Thank you, Mr. Chairman. Thank you for your presentation, John. I would like to thank all the other elders and chiefs who spoke and I, for one, have heard you say you have come a long way. I understand that it's all about being self-sufficient and wanting to plan your own future. I was just wondering, in terms of community self-governance, whether you are talking about still having programs and services provided by the GNWT. Is it in the future to try to provide your own programs and services perhaps?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Menicoche. Mr. Zoe.

MR. JOHN B. ZOE: It's sort of two-tiered. Once we vote in the community members as the council and chiefs, there is the primary role of making sure that the community operates in such a way that the infrastructure is running, all the roads are maintained, health and safety and transportation are taken care of; the basic structures. It will still be eligible for programs and services that would support those activities, maybe in terms of training, but we have to remember that all the existing programs and any future programs should still be accessible. It would depend on whether it was the Tlicho government or the community government as to who would operate with it. If it's strictly something that has gone to the hamlet in terms of those things, I am sure it will probably continue that way.

In the past when dealing with federal dollars or GNWT dollars, both groups could have accessed it. So in some ways, there was competition in the past as to who would access it or even if both would access it. Because it would be now a single source, I think it would be a lot more efficient and more of a thought process to make it more collective in a community. Mahsi.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Anything further from committee? Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. Thank you, John, for your presentation to us today. Like my colleagues, I would like to thank the previous speakers as well, the chiefs and the elders who have spoken. The question I would have for you, John, is I am just wondering why in the bill the Tlicho didn't want community governments in the smaller communities. They each have their own economic development powers. Maybe you could just explain why it was felt that this was the best way to do it. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ramsay. Mr. Zoe.

MR. JOHN B. ZOE: I think it has a lot to do with history. We know that, even a few years ago, we weren't very much involved with economic development because there really was nothing to develop until we started looking outside at what the rest of the world was doing. So we created an alliance.

A lot of elders from here took a trip down to Arizona to look at their structures back in the 1970s. The earliest one was in the '70s when the school of Edzo was being introduced to be built. The governance of the school was still in question at the time. So a group of elders, some of them here, went to Arizona to look at their structure and brought that management structure and representation for the school back here and implemented it.

The second trip, when we started dealing with economic development, was by Chief Charlie Charlo with a group of elders; they went back to Arizona and looked at their economic development structure. Because we didn't have any big industry in the area, it was more about human development. That's why we called it Rae-Edzo Dene Band Development Corporation; to develop the people. Because there is no big industry in the area, the object was to create a corporation to develop the people, not necessarily to make money. So it became, in some ways, a question of whether it was for profit or not. It was a way of developing people who, in turn, with that expertise, could start creating economic development outside of the communities and joint ventures and all those kinds of things.

The third trip back in 1980 was to look at the governance structure of the Navajos in Window Rock, Arizona. So most of those ideas were explained in that area because some anthropologists say we have some cultural ties and we can count from one to 10 in the same language. You couldn't tell the difference between the two. There were some language similarities and we sort of look the same when we go there, so we have some real close ties.

The idea is in a smaller community, it's easy for government to get involved in activities that others can do. The object of government is to keep people busy and they can contribute to society; if they can do it through a business, all the better. If we can keep government out of business, it seems to run a lot better. Let government govern and let the business be done by those entrepreneurs who would do the job more efficiently.

At the same time, that community government is legislated by the GNWT. We also would have a Tlicho government which would be able to develop its own corporations similar to what we have now. So we are not really changing what we have become accustomed to. But what we developed over time in the last 30 years, the ideas that we have been bringing in, has worked well so far. There is no sense in changing those things, so we are just bringing it forward and trying to reflect it in this community government act.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Anything further? If not, thank you, Mr. Zoe, for your presentation and your comments. We will certainly take them into consideration. Mahsi.

MR. JOHN B. ZOE: Mahsi.

CHAIRMAN (Mr. Delorey): At this time, I have no further presenters, so I welcome anybody from the audience who wants to come forward and say a few words. Identify yourself for the record and proceed with your comments.

Presentation By Mr. Eddie Erasmus

MR. ERASMUS: My name is Eddie Erasmus. I am the senior lands negotiator for the Dogrib Treaty 11 Council. I am also on the eligibility and enrolment committee. I would like to thank the chairman and committee for letting me speak.

The Tlicho voted on this agreement with overwhelming support; 92 percent of the people voted on this agreement. We also had support of 84 percent of the people who voted in support. Right now, we are at the second step of the committee under this agreement. The first step was how many people were eligible, 19 years and older. Now the committee is going through enrolling all of the Tlicho citizens. For the committee's information, we have now well over 90 percent of the people enrolled. We are enrolling everyone in all of the Tlicho communities. We are enrolling everyone who lives outside of the region, but also doing enrollment on people who live outside in the rest of Canada and the rest of the world. So we have right now over 90 percent of people enrolled and it looks really good for this agreement.

We have a lot of young people in our region who are looking forward to this agreement being passed. A lot of them are asking why this is happening. These young people, mostly post-secondary students, are asking about the Prime minister signing this agreement, the signing of the Premier, about it being passed by the territorial government and, now, why it is going to more committee meetings and going public again. Those are the kinds of questions we are being asked.

Not knowing much about how the territorial government's process of how they communicate and how they pass the bill, we generally tell these young people that once we get a chance to have them come to our community, maybe we can ask. Now we've heard and understand why you are doing this. It's one of the procedures the territorial government has to go through in order for a law to become implemented. Those were some of the questions asked by our people.

Our chiefs that spoke earlier are saying we are losing a lot of our elders; in fact, a lot of them just recently. We just lost our chief also. That's why our elders are saying, like other people said earlier, even tomorrow is a long time for me, being 85 years old. We have a lot of elders here who are well over 80 who are asking the same question. They would like to see this bill passed because they voted in favour of it. It's hard for a lot of our people, our elders, to understand the way these laws work because it's not their way of doing business. As John, our previous speaker, just said, the way we communicate is somewhat different than the way the territorial government communicates with people. You have a wider range of communication that you have to do and we have the four communities and our people we have to communicate with.

We generally have our meetings and annual gatherings where we rotate around to our communities. Every year, we rotate to one community. So this coming summer, our assembly will be in Gameti where we will have our annual gathering.

Just on the eligibility enrollment, I would give you that update. Mahsi.

---Applause

CHAIRMAN (Mr. Delorey): Thank you, Mr. Erasmus, for those comments. I hope through some of the discussions, it has given you a better insight and explained to some people what the process is that we have to follow in order to get these bills through the House and to get them where they can become law and go on to Ottawa. So I hope that helped you out some.

Again, do any committee Members have any comments for Mr. Erasmus? Mr. Menicoche.

MR. MENICOCHE: Thank you, Mr. Chairman. While we've been deliberating some of the items in Bill 5 – which is not the Tlicho agreement; Bill 5 is community governance – we have heard about having non-Canadians participate in your government. I am just wondering if you can explain that to me.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Menicoche. Mr. Erasmus.

MR. ERASMUS: I am not sure I understand your question, but we have non-aboriginals that would be in the community government. I don't think it's non-Canadian. I think it's non-aboriginals that could be on the community government.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Erasmus. Does that clarify things for you?

MR. MENICOCHE: I think what I was leading towards is you are trying to make provision for Tlicho citizens who are non-Canadian to participate in the government here if they chose to move back as non-term residents.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Menicoche. MR. Erasmus.

MR. ERASMUS: Okay, I understand your question now. We have non-Canadians who are outside of Canada who are applying. These people will be considered by the committee. It will go up in front of the committee. The committee consists of the federal reps and the Tlicho reps. So these people at the next committee meeting will be considered or not. That's why we have the committee, to look at these people who are applying as a Tlicho citizen.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Erasmus. Anything further from committee? If not, thank you, Mr. Erasmus, for your comments.

MR. ERASMUS: Mahsi.

CHAIRMAN (Mr. Delorey): Again, I will open the floor to anyone from the audience who would like to come forward to make their views or concerns known to the committee. If not, maybe I will call a short 15-minute coffee break. We will come back then and if anyone wants to come forward at that time, we will call again for presenters. I will call a 15-minute break.

---SHORT RECESS

CHAIRMAN (Mr. Delorey): Good afternoon. I would like to call the Standing Committee on Governance and Economic Development meeting back to order. We are here doing public reviews of Bill 5, Tlicho Community Government Act. I have no further presenters on my list, but I would again call for anyone from the audience who would like to come forward and give us their views or concerns about the bill that is before us. We are scheduled to be here until approximately 5:00 and then again this evening, from 7:00 to 9:00, and tomorrow morning as well.

I would again ask for anyone to come forward. If no one has anything further to add, we would probably take a break in about 15 minutes and then come back this evening. Anyone from the audience who wants to come forward and make your presentations or views known, please feel free to do so.

I just ask that you identify yourself for the record and proceed with your comments.

MS. RABESCA-ZOE: I am Bertha Rabesca-Zoe. I am an articulating student with Peter Salter, legal counsel to Dogrib Treaty 11 Council. I am not really making a presentation or point of view, but just offering a point of clarification to Mr. Menicoche's question on citizens or permanent residents, in terms of what is in the act. I think the committee needs to consider the Tlicho agreement when they are looking at this act because it goes back and forth. The act is an enactment of chapter 8 of the agreement, but in terms of Tlicho citizenship and how they play into the act, it is crucial for committee Members to understand.

I think Mr. Menicoche's question on permanent residency is a good question. I think clause 13 of the act clearly states that a person is eligible to be a voter if she or he is a Canadian citizen or permanent resident. I think that's where his question was leading if he could correct me on that. I think that means that those people from other countries who come into Canada and get their residency are eligible to vote because they have that right and the act says that, but also it goes beyond that.

To be eligible to vote for the chief, not only do you have to meet that criteria which also outlines the residency of having to live in a community for six months, you also have to be a resident of the Monfwi Gawadiniche (sic) area for two years before election day. So it goes beyond the norm in terms of who is eligible to be a voter or a candidate. For the chief, they have to be eligible under that criterion, plus they also have to be a Tlicho citizen.

That's where you need to go back to the agreement because the agreement under chapter 3 clearly outlines who is eligible to be a Tlicho citizen. In the definition section, there is a definition of who Tlicho is. So you have to look at those two combined with each other in order to know who is going to be a Tlicho citizen, who will be eligible to vote for the chief and not only to vote for the chief, but the chief must be a Tlicho citizen.

So I just wanted to clarify Mr. Menicoche's question on permanent residents. I think there is a concern that we might have people from other countries who are Tlicho citizens living in other countries that might end up voting or running for chief or something along that line, but there is a residency clause that they have to fall under. That's just a point of clarification. That's it.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Zoe, for that point of clarification. Mr. Menicoche, does that answer your question? Mr. Menicoche.

MR. MENICOCHE: Thank you, Mr. Chairman. Thank you for the clarification, Bertha. That was pointed out to me during the break; that the definition of a Tlicho citizen is clearly laid out in the Tlicho agreement. It would supersede Bill 5 if there was an overlap or omission. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Menicoche. Thank you, Ms. Zoe, for that clarification. Again, I would welcome anybody from the audience to come forward and make a presentation, if you so desire, to committee.

Presentation By Mr. Louis Wedawin

MR. WEDAWIN: (Translation) My name is Louis Wedawin. I reside in the community of Wha Ti. Thank you for giving me the opportunity to speak. Today is a very special day that you people have come into our community. The constitutions and the framework of the Tlicho government have been in the works for over 12 years.

I would like to thank all the chiefs since the day of Monfwi back when he was a chief in 1921; he is no longer living. I really admire what he has done for us. If you could remember that people like that did the work, they did it with the help of our Creator. There was a person, Monfwi, who didn't know how to read and write nor speak the language. Yet, he made the treaty on behalf of the Dogrib Nation.

The history of the treaty was developed throughout the country. I don't recall anyone of them having a boundary set aside for their own tribe. Today, if we looked at it as if it was set up as a foundation for us, it's now time to build from then on. I think our chief at the time did just that on behalf of the Dogrib Nation. I think he built a good foundation at the time and today I think we are building a permanent structure on it. It took about 12 years to do a lot of research.

I can recall the days back then and it's saddening to remember how our elders had to live off the land. A lot of our ancestors that are already in the burial site have worked on this claim. When they were quite vocal in the community and made decisions for the future generations, now I can see what they were talking about. I didn't know they were talking about my future at that time and today I think we are coming out of the tunnel towards our destination. Know that a lot of elders and community leaders who worked on our regional claims have passed on. Within the Dogrib Nation, we have lost lots of our elders in our communities.

For the remaining elders who are still working towards our final claims, I would like to thank them for hanging in and working on our behalf. I think they have done a great job on our behalf. I think it's quite impressive work that they have done and they have worked along with the territorial government.

To date, I think the territorial government seems to be making this work for the benefit of the North. Nobody seems to be disagreeing with what is in the package. I feel quite confident that this bill will have a safe passage. I think we have been working quite cooperatively for many years since the territorial government was created. We're not saying that the government is not doing a good job or taking away the programs and services from them. What we're planning on doing within our constitution is to say that some of the programs and services will be delivered by our own aboriginal organizations.

Like I said early on, our ancestors spoke about our future; I think the future is today. Most of us who are speaking are not speaking for ourselves; we are speaking for the future generations within this particular document. I don't think that our future generations will ever regret what we have done for them with the cooperation of those within both governments. I think in this particular bill, there are a lot of things that are in there geared for the future generations to live on comfortably and economically using the resources from the land. I think we have been trained and taught by the foreigners that are coming in and running the administration for us. Now I think it's time for us to take over. The problems that we may be coming across, I think we still might use your expertise to give us some direction.

I, as a community elder, thought about this a lot of times. I am really happy to hear that the committee itself and the territorial government are trying to resolve the issues before the committee. I think to date we have good cooperation with the other neighbouring organizations and tribes. We have a lot of friendships being built that still exist amongst us which seems to be really good. So I feel confident that this bill will be able to pass and I'm quite confident that I'll be walking away home and giving a good report on behalf of this hearing. Thank you. (End translation)

—Applause

CHAIRMAN (Mr. Delorey): Thank you, Mr. Wedawin. I would ask...(inaudible)... Hearing none, thank you very much again for your comments. Mahsi.

Presentation By Mr. Jimmy Rabesca

MR. RABESCA: My name is Jimmy Rabesca from Wha Ti. We're here to discuss this issue and one of the elders that I used to work with is not with us anymore, so I'm here to replace him. We are working with the Treaty 11. When we have meetings like this, we may not quite understand each other, but we are talking through the interpreter. When we have a meeting like this, face to face, it is very good. It shows respect and we are thankful for that. We have to face each other and tell the truth and be honest with each other. When we are meeting like this and we disagree, it's not good.

Today we are talking about this bill that we have been working on for many years. We want this bill to pass as soon as possible. We talk about our young people, and those of us who are from the surrounding isolated communities have a lot of young people in our communities. We are doing this for them. We want them to benefit from this agreement. We want to be able to create a path that will be easy for them. When we were children ourselves, our parents worked on the land. We also worked on the land. We lived a traditional life which we still maintain today.

This document that I'm talking about, before I came here my children – I'm sure they had seen this document before – said that they hoped that this could be passed as soon as possible. They want us to finish with this agreement. They will be happy if we can do that. Although they are young people, they are thinking like this.

Today we're discussing this important issue. We want to be able to pass this as soon as possible. We have waited a long time; for many years, a lot of elders have spoken on this issue. We are different people. If someone asks something of you, you try to help that person and we are thankful to help them.

As for myself, I'm over 70 years old. When you come of that age, you want to protect your future for how ever long you have. As I sit here in front of you at this table, I want to be able to see this agreement pass and I will be very thankful to see that and witness it. I don't want to go through difficult times. I don't want my children or grandchildren or future generations to go through difficult times.

When we talk about this important issue, as MLAs you come to our community to hear us. We want you to pass this bill for us. That is how we want you to help us. We will be very thankful to you and we will relay this information to our people and I'm sure they will be very happy. When we work like this, when we accomplish something as big as this, our people will be happy. They will hear. We will bring this information back to them.

As many people had mentioned, many elders have worked on this for a long time. We don't always gather like this to talk about issues such as this. We're here to discuss this bill. We want to be able to go away from this meeting having the confidence that this will pass. We will also be returning tonight at 7:00, so I'm sure there will be many other speakers. This bill that I'm talking about, we want it to be passed by you as soon as possible. That is the most important thing for us.

I would like to thank you. Saying thank you is very powerful. We will be returning tonight, so I may return and say other things later on, but right now I'm hearing what you are saying. I would just like to thank you in advance for listening. Although this meeting is not concluded, I would just like to thank you for listening. Thank you.

—Applause

CHAIRMAN (Mr. Delorey): Thank you very much, Mr. Rabesca, for your comments. I know that you have been making these comments on behalf of yourself and your people that you're here representing. We appreciate your comments. I would ask committee Members if they have any comments for Mr. Rabesca. If not, then again thank you for your comments. Mahsi.

Once again, I will ask for any interested individuals or parties from the floor who would like to come forward and say a few words or make a presentation to the committee.

Presentation By Mr. Pierre Beaverho

MR. BEAVERHO: Mahsi. I'd like to thank the panel at the table. When we sit like this facing each other, we have to say thank you to each other. I am Pierre Beaverho from Wha Ti. I'm a councillor of Wha Ti. I'm talking to you because of this community government act and I'm in support of this act and want it passed as soon as possible. It's important for the Tlicho people.

As Tlicho people, it's very important for us. We want to be able to pass this bill as soon as possible. We're not only saying this for ourselves, but for future generations and the children that are being educated. This bill is important for them, so we want it to be passed.

We also talk about our claims. It's been 12 years since we began negotiating this claim. We think it's a solid agreement and it took 12 years to complete. There have been many chiefs, councillors and elders who contributed to that agreement. Some of them are in the gravesite right here. Also our people of Wha Ti, past chiefs, councillors and elders, are also buried there. The same is true in Gameti. There have been many people who have contributed from that community also; from Wekweti, too. A lot of chiefs, councillors, elders all helped in making this agreement. That many people contributed to this agreement. They made powerful statements in the past and all of that has been put together into that agreement.

Today we're talking about that bill and we want that bill to be passed as soon as possible. Not only me, but a lot of other Tlicho people probably feel the same way.

Sometimes if one person is having some difficulties, you try to help that person out. That way you make a person feel good. We are somehow all related and we have to be able to work together. We want to work honestly with each other. I would like to thank you.

We have to try to work together -- we all live in the Territories -- in an honest way and have respect for each other. We are also returning at 7:00 tonight, so I'm sure others would like to speak. I am thankful to be here. I just want to thank you for listening to our concerns and I know that you will support this bill and I would like to thank you in advance for that. Thank you.

—Applause

CHAIRMAN (Mr. Delorey): Thank you, Mr. Beaverho. I would just give the opportunity to committee Members for comments, if they have any. If not, again, thank you for your comments. Mahsi.

Presentation By Mr. George MacKenzie

MR. GEORGE MACKENZIE: I'd like to say this is a gift to our community; the opportunity to be heard and you guys coming. We appreciate that. My name is George MacKenzie. I'm a citizen of Rae-Edzo and have been all my life. I'd just like to make some comments.

When we say self-government, when we refer to the Tlicho Community Government Act, to me it is all the same. I think we've been talking about self-government or land claims together, through our elders' stories, as far back as Monfwi and those days. When we say land claims and when Monfwi made a boundary, I think that it was a land claim that started all of this. We've come a long ways until today.

I guess what I'm trying to say is the Dogrib have been talking about this issue of land claims and self-government for a long time now. We're ready to take on the government ourselves. We know through history that the Government of Canada of 130 years ago, away from England, became self-government. That's 130 years now. We can do the same as the Dogrib Nation. We are not afraid to take on self-government, just like the Government of Canada did in their day.

Some people might think we might fail, but I'd like to remind those people that think that way that the Government of Canada failed along the way and they are here today. They are a better government because of that. We have to do the same as the Dogrib Nation. We have to move forward and look after ourselves for the future. It could take us a long time before we improve things year by year, but we are not afraid of the challenge. I think that the elders, as Alexis Arrowmaker said, want to see this self-government in their time, for the young generations to come.

In saying all this, the community government act is good because, speaking for Rae-Edzo, we know the Rae-Edzo chief will be heard. He will be the voice of Rae-Edzo first when it comes to community government. He will speak for Rae-Edzo first and then afterward for unity as the Dogrib Nation. We need a strong voice for every community and that's what we want for Rae-Edzo. The community act, I think, is very good because for the first time the people of the community will be consulted. Nothing will be passed without consulting with the Dogrib people. I think that's what the people liked about it. We need everybody's support, we need everybody's backing on this to help us succeed for the sake of young people who are going to be self-reliant, a self-governed nation, one day soon. I think that's what we're asking for.

I'd like to thank you for listening to me speaking in those broad terms. Mahsi cho.

—Applause

CHAIRMAN (Mr. Delorey): Thank you, Mr. MacKenzie, for your comments. As with previous speakers, I ask committee Members if they have any comments or questions for you. Seeing none, once again, thank you very much for your comments and we will keep them in consideration. Mahsi.

Presentation By Mr. Phillip Huskey

MR. HUSKEY: (Translation) I'm an elder from Rae-Edzo. My name is Phillip Huskey. In a good spirit, in a good cooperation, I guess a person works together to accomplish something. There's nothing there to stop them. There's nothing there too impossible. Everything is possible when the two parties work together. The two parties, they depend on one another. If one needs something, they ask for it. I think it's the same as what we're doing.

To date, our land claims negotiating teams happen to be a lot of young dedicated people, along with the elders, as they're called – they are not specifically called consultants – in an advisory capacity. In cooperation, I think they have done a lot of work on behalf of our citizens, knowing that there are a lot of other things in the community that are disturbing our livelihood, such as alcohol and drugs. Some social issues that our community is experiencing are quite typical.

We have a lot of young leaders in the communities who are well-educated and dedicated. There are some young people in universities and colleges to further their education in professional fields; people who might want to work for their future government. We're pretty well prepared to work in cooperation with the federal and territorial governments. That's all I'd like to say for this afternoon. Thank you.

—Applause

CHAIRMAN (Mr. Delorey): Thank you for your presentation, Mr. Huskey. Mahsi.

Presentation By Mr. Joe MacKenzie

MR. MACKENZIE: (Translation) My name is Joe MacKenzie. I'm a Tlicho citizen of this community. I'm one of the elders in this community; I am 89 years old. Most of the speakers who are here today, I guess, are younger than me and I don't seem to have too many of the people who are the same age as me living in the community. We, as Dene people, especially myself, have played a strong leadership role. Most of the members have been involved with leadership roles and in spiritual and traditional way of living. When you get to this age – it's hard to live that long – I think we have played a major role during our lifespan. We have passed that to the younger generation. Hopefully they'll be able to take up what we have left.

Yet, we pretty well have to have spirituality within us in order to get to this age. I think it's over 100-some-odd years since the first missionaries came into our community. Since then, a spiritual trend has taken place within our communities. Prior to that, we, as an aboriginal people, survived back then before the Europeans made contact within our community area; yes, the Dogrib had survived all the hardship without the foreign tools that we are enjoying today.

Knowing that you, as MLAs, have been elected by community members within your riding to the Legislative Assembly, we have asked our community members how we like our leaders to represent us. As such, we are trusting that the territorial government will help us to see that this bill goes through the House.

Most of the speakers said that some of the elders who worked on the claims already have passed on and they're hoping that they'll see the day that the claims will be settled. Hopefully they'll be able to see some benefits from our land and resources. My strong intention is to see that for myself as well, too. How soon that's going to come up, I don't know.

During my younger years, I covered a long, vast, treacherous land of ours, but I don't want to tell you the history of how I have lived off the land. To tell you some, I have travelled into Deh Cho region and into the Sahtu region and I've seen some trails that go into the Deh Cho region and Sahtu region and go towards the Wha Ti and Gameti and into Wekweti. You see canoe trails and toboggan trails that lead out of communities into the barren lands. You see a trench trail that's been dug into the land that is almost three or four feet deep. That's how the land has been used by our ancestors. There must have been a lot of people back then and today none of them are living. The people who lived off the land and worked hard to survive, none of them died being a wealthy person.

Today I really appreciate what the territorial government has done for us to this date. We're not saying we'll take all the programs and services away from your people, but we want you to work with us so that, whatever is being transferred to us, we want to make use of it and make it work for our communities and our regions. Among the people who have lived off this land, most of them have passed on. There are thousands and thousands of people who have passed on. A lot of our elders, like Chief Jimmy Bruneau, have lots to tell, lots of stories to talk about. Not too many storytellers are living today among us. I think we always seem to envy the government as to how they operate, but now it's time for us to test ourselves out, to see how we'll be able to make our government work for the best interests of our citizens.

When I was a young man, I did enjoy my life living off the land and I always looked forward travelling to my destination. Today I don't seem to be going anywhere. I seem to be falling back so I'm not getting anywhere. I'm only here to advise the young people, and hope that the future generation will be able to make a productive life for their peers to live in the future.

A lot of young people in the communities of Gameti, Wha Ti and Wekweti live on fair-sized lakes; good fishing lakes. They seem to be living on clean and fresh waters, compared to us here on Marion Lake. A lot of things in the past have been done without us, as aboriginal people living off the land; we weren't consulted when mines were put in, such as Ray Rock Mine and Colomac Mine. Back in those days when I was young, I could speak for myself and I could do things for myself, yet, since I wasn't recognized as a chief on band council, I didn't have any say. That's how we weren't consulted. We didn't voice our opinions before this development took place.

We saw a lot of good lakes with an abundance of fish of all sorts. Today, many communities have to pay for water deliveries. I, for one, feel that maybe we should have cleaner water being piped into this community so we'll be able to have good fresh water delivered to our communities. To date, I have to pay for my water and services.

I'm not here to tell you the story of my life. I'm here to say that I'm quite confident and I think you people have done a good job with the Dogrib Nation to prepare this piece of legislation that's before you. Once you get to my age, compared to your younger days when you're lively...It's only my mind that I feel is kind of lively and I still think I can do things. I feel like a young man, so I'm always walking out around at night, in the evening. I don't know where I go, but my wife seems quite upset with me.

—Applause

CHAIRMAN (Mr. Delorey): Thank you, Mr. MacKenzie, for your comments. I must say you must be doing something right. You look pretty good for 89. Your wife should probably keep an eye on you, all right.

—Laughter

I would ask committee Members if you have any comments for Mr. MacKenzie at this time. If not, thanks again, Mr. MacKenzie, for your comments. Mahsi.

—Applause

I don't have any further presenters at this time and it's getting very close to 5:00. Maybe, seeing as we don't have any more, we'll take a break now and resume our public hearings tonight at 7:00 p.m. So thank you for coming.

---Applause

—DINNER RECESS

CHAIRMAN (Mr. Delorey): Good evening, ladies and gentlemen. I'll call the Standing Committee on Governance and Economic Development to order. We're here to continue our public reviews of Bill 5, the Tlicho Community Government Act. I see a few new faces here, so for the benefit of the new faces, I'd like to introduce our committee and staff that we have here: To my far right, we have Kevin Menicoche, the MLA for Nahendeh; next in, Bobby Villeneuve, MLA for Tu Nedhe; myself, Paul Delorey, MLA for Hay River North; next to me is Jane Groenewegen, MLA for Hay River South; Roger Allen, MLA for Inuvik Twin Lakes; next to him is Dave Ramsay, MLA for Kam Lake, in Yellowknife; next to Dave, we have Dave Inch, who is the clerk of committees; next to him is Colette Langlois, head of research; then we have Katherine Petersen, our Law Clerk; as well as Karen Lajoie, our Deputy Law Clerk.

Again, I'd like to thank the community of Behchoko for inviting us here. I would also like to thank the people who have travelled from other communities to be here with us this evening. We are looking forward to hearing your comments on the bill, which we know is very important to all you people.

I'll just briefly explain why we are here and what we are doing here. The Standing Committee on Governance and Economic Development is a committee of regular Members of the Legislative Assembly. We are not part of the government or Cabinet that introduced this bill. Bill 5 was referred to us for review after being given first and second reading in the Legislative Assembly as a whole. It is our responsibility as a standing committee to get public and stakeholder input to the bill, which we do by holding public hearings such as this. We want to hear your views and comments, which we will then report back to our colleagues in the assembly. The assembly as a whole will then decide whether to give the bill third reading so it can then become law.

These hearings are a continuation of the public review process. We heard from the Minister responsible for this bill yesterday in Yellowknife and we will have further hearings in Yellowknife later on this week. We also had a session here this afternoon where we heard from quite a few interested parties. We encourage anyone this evening who would like to come forward and make a presentation to give us your thoughts, views and concerns on this bill.

We also want to encourage anyone who does not want to come and give a verbal presentation here tonight. Anyone who can do a written presentation, or put your views and comments in writing and supply them to the committee for us to review, we encourage you to do that and, if you are interested in doing that, you can talk to Dave

Inch. He will make sure that your comments are received and reviewed by the committee.

I would like to acknowledge the mayor of Rae with us tonight, Eddie Koyina. Welcome. Beyond that, I have no scheduled presenters for this evening. The floor is open for anyone who is here who would like to make a presentation. The opportunity is yours anytime now. Thank you.

If someone wants to come up and tell a joke or something, that would be all right too.

If there is no one who is wanting to come forward at this time to have any input, maybe I will call a short break; give us 15 or 20 minutes to see if anybody else is going to show up and make a presentation. We won't shut it down quite yet. We will wait 15 or 20 minutes and see if anyone else shows up. I take it there must be something else going on in town tonight that has the crowd out. I will call a short break and see if anyone else has shown up to make a presentation.

---SHORT RECESS

CHAIRMAN (Mr. Delorey): Good evening, again. I call the committee back to order. I will call again for anyone interested in coming forward to make a presentation to our committee on Bill 5, Tlicho Community Government Act. We have heard from quite a few presenters today, but we will ask once more if there are any other presenters who would like to come forward and make your views known on Bill 5.

If there is no one else to come forward and make a presentation to the committee, I guess that concludes our public reviews here in Rae for Bill 5, Tlicho Community Government Act. I will ask once more if there is anyone who would like to come forward. If not, we will wrap it up for this evening.

Good evening, Eddie.

Presentation By Mayor Eddie Koyina

MAYOR EDDIE KOYINA: Mr. Chairman, I would just like to say thank you for coming out here today to explain to the people about the Tlicho act. I don't think you will get any more presenters today, or people to come up here to state their remarks, at this time. So just for closing, I would like to say thank you for coming out here, all the MLAs. We do not see this many MLAs come to the community that often. It's the first time since I have been mayor, for the last two years, that I have met that many MLAs. Welcome. Tomorrow, when you resume the meeting again, you will probably get some people to make a presentation or remarks to you people. With that, I would like to thank you; that's all I wanted to say.

CHAIRMAN (Mr. Delorey): Thank you, Eddie. Just to let you know, we ran into a bit of a glitch here. We were going to stay here overnight, but we ran into some problems at the motel. The sewer was backed up or frozen or something, so we aren't going to be able to stay there, so we have to drive back to Yellowknife. I checked with your leadership, the *grand chief*, a little earlier and he didn't think there were going to be too many more presenters anyway. He thought it would be okay if we just wrapped it up this evening, because we have to drive back to Yellowknife. We had nobody listed for tomorrow morning, so he was in agreement that we just wrap it up tonight and then resume our public hearings in Yellowknife on Thursday morning. I hope that's okay with you, Mr. Koyina. Do you have any thoughts on that?

MAYOR EDDIE KOYINA: If that's the suggestion by the grand chief, I will go with it. If you made note that there is no one else coming out to state their remarks, I guess that's fine. We don't have anyone from the council to make a presentation on Bill 5, Tlicho Community Government Act anyway. So it's okay if you guys go ahead. I agree to wrap up this session.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Koyina. We appreciate that. Like I said, we had full intentions of staying overnight in your town, but it just didn't work out that way.

I would like to, in closing, thank you for coming out this evening to say a few words and all the people who showed up here today to show support for this bill. We know that it's very important to the people here and we appreciate you guys coming out and giving us your views and thoughts on the bill. Thank you very much. We will now conclude our public hearings on Bill 5 in Rae. Thank you, committee, and all the people who came out. Thank you.

—ADJOURNMENT

Northwest Territories Legislative Assembly

Standing Committee on Governance and Economic Development

Public Hearing on
Bill 5, Tlicho Community Government Act

Chair: Mr. Paul Delorey, MLA

STANDING COMMITTEE ON GOVERNANCE AND ECONOMIC DEVELOPMENT

Chairman

Mr. Paul Delorey, MLA, Hay River North

Members

Mr. Roger Allen, MLA, Inuvik Twin Lakes
Mrs. Jane Groenewegen, MLA, Hay River South
Mr. Kevin Menicoche, MLA, Nahendeh
Mr. David Ramsay, MLA, Kam Lake

Witnesses

Mr. Sholto Douglas, Rae-Edzo Metis Local 64
Mr. Bill Enge, Yellowknife Metis Local 66

Committee Staff

Mr. David Inch, Committee Clerk
Ms. Katherine Peterson, Law Clerk
Ms. Colette Langlois, Director of Research

STANDING COMMITTEE ON GOVERNANCE AND ECONOMIC DEVELOPMENT
Review of Bill 5, Tlicho Community Government Act

May 13, 2004
Committee Room "A"
10:00 a.m.

CHAIRMAN (Mr. Delorey): I think we will start our morning with a prayer. I would like to ask Mrs. Groenewegen if she would lead us in prayer this morning.

---Prayer

Thank you, Jane. I think we will start off by introducing the committee Members who are here. I would like to start off on my far right.

MR. ALLEN: Good morning, all. My name is Roger Allen and I represent the riding of Inuvik Twin Lakes.

MRS. GROENEWEGEN: Jane Groenewegen, MLA, Hay River South.

CHAIRMAN (Mr. Delorey): And my far left.

MR. RAMSAY: David Ramsay, MLA, Kam Lake.

MR. MENICOCHE: Kevin Menicoche, MLA, Nahendeh.

MR. DELOREY: I am Paul Delorey, MLA for Hay River North, and Chair of GED. We also have with us, on my right, Dave Inch, clerk of committees; on my left, Collette Langlois, director of research; and, Katherine Peterson is our Law Clerk.

Welcome to our public hearings of the Standing Committee on Governance and Economic Development on Bill 5, the Tlicho Community Government Act. The Tlicho Community Government Act is one of three laws that the GNWT needs to pass in order to implement the Tlicho agreement. It will establish the new community government to replace the municipal and band councils in place in Gameti, Rae-Edzo, Wekweti and Wha Ti. It will also set out the structure, powers and responsibilities.

Please help yourselves to copies of the bill and the handouts at the side of the room. The handouts explain some of the highlights of the bill. As well, our staff is prepared to give a very short presentation/overview, if it is needed, but my sense from who we have here is they are probably well aware of what's in the bill.

To briefly explain who we are and what we are doing here, the Standing Committee on Governance and Economic Development is a committee of regular Members of the Legislative Assembly. We are not part of the government or Cabinet that put this bill forward. Bill 5 was referred to us for review after being given first and second reading in the Legislative Assembly as a whole. It is our responsibility, as standing committee, to get public and stakeholder input on the bill, which we do by holding public hearings such as this one.

We want to hear your views and comments, which we will then report back to our colleagues in the assembly. The assembly as a whole will then decide whether to give the bill third reading, so it can become law. These hearings are a continuation of the public review process. We heard from the Minister earlier this week in Yellowknife and we also held public hearings in Rae-Edzo on May 11th.

So far for today, we have two proposed witnesses that wish to speak: Sholto Douglas and Bill Enge, both with the North Slave Metis Alliance, if I am correct.

MR. ENGE: No, you aren't correct.

CHAIRMAN (Mr. Delorey): President of Metis Local 64 in Rae and Bill Enge.

MR. ENGE: President of Metis Local 66.

CHAIRMAN (Mr. Delorey): Local 66?

MR. ENGE: That's right.

CHAIRMAN (Mr. Delorey): We encourage everyone here to make their thoughts known to the committee on this important bill. If we don't have you on the list and you wish to be added for comments, please make yourself known to clerk of committees, Dave Inch. He will gladly take your name. Also, if you would prefer to give the committee a written submission, we are also open to that. Give your written submissions to Mr. Inch and the committee will make sure your views and concerns are taken into consideration when we do a review of the bill.

So with that, I will open the review process and ask Sholto Douglas or Bill Enge to come forward to the table and make your presentation.

Presentation By Metis Local 64

MR. DOUGLAS: Good morning. I would like to thank the standing committee for giving the invitation to the Rae-Edzo Metis. I think first and foremost I would like to thank the Honourable Michael McLeod for speaking on behalf of the Metis last October. He made some points and comments that were very dear to the Metis in the North Slave. We would like to thank him and have that on the record.

The Rae-Edzo Metis were part of the Metis Nation of the Northwest Territories, formerly the Metis Association of the Northwest Territories, in the 1970s. We did leave the organization back in the late '70s or early '80s, somewhere back then. In 1990, the failed Dene/Metis agreement...The people felt left out because the whole claims process came tumbling down. So it was a time that the Metis said we'll have to get reorganized. So they affiliated themselves as a community organization which is the Rae-Edzo Metis Nation Local 64, registered themselves as a society, went to the Metis Nation and were affiliated in August of 1992. During that assembly in Fort Providence, there was a motion put on the floor. The motion said that the Metis of Rae-Edzo would support the Dogrib Treaty 11 Council to proceed with a comprehensive land claim, but there was a provisional clause in that resolution that the Metis had to be included and we wanted to make sure that our identity, our own institutions, et cetera, would be recognized.

Since then, we ended up creating the North Slave Metis Alliance as one of the founding fathers. There were three presidents, at the time, of community organizations; the Yellowknife Metis Council, the Metis Nation Local 66 and Metis Nation Local 64 of Rae-Edzo. The presidents were Clem Paul, Bill Enge and I. We decided that it was time to start looking at a regional initiative to look after the interests and aboriginal rights of the Metis in this region. We looked at the old Dene/Metis claim. We looked at the test date model that was put on the failed Dene/Metis agreement. We used the same test date for eligibility when we developed the North Slave Metis Alliance constitution and bylaws. We did an enrolment on eligibility for people to sign declarations to declare themselves as members of that organization. We worked along with Leonard Tony Maniman (sic), who was our lawyer. He was working along with Jean-Yves Assiniwi and, subsequent to that in May of 1977, we had meetings along with the Dogrib Treaty 11 Council resource people who were basically the negotiations team. We met in Ottawa.

Subsequent to that, we had another meeting back in June here in Yellowknife, in the North Slave Metis Alliance office. In July of that year, we met in Edmonton with the federal negotiating team and the Government of the Northwest Territories team, along with the political leaders and the negotiating team of the Dogrib Treaty 11 Council. Through that, we were trying to work to gain a seat at the table to make sure that the negotiating interests of the Metis would be accommodated.

Subsequent to that, we had a political fallout. It's been almost six years. Both Bill Enge and I were co-plaintiffs on a litigation based on membership with the North Slave Metis Alliance. We are in the final stages of that. Due to the judicial process that we have to follow, it is time-consuming. We have been working through that and are near the final stages. In saying that, it doesn't put us where we would be able to develop the position that we really want and the whole agenda. So we are back to square one, back to where we were in 1998 when all this fell apart.

One of the things that was very clear – I met with the chief federal negotiators and the Government of the Northwest Territories back in November of 2002, here in Yellowknife at the Goga Cho Building, I made a presentation on behalf of the Rae-Edzo Metis; copies of that were given to the federal government and to the GNWT because all that information was recorded – was we were looking at being able to try to get ourselves tied into a companion agreement to the Dogrib Treaty 11 process, which is now known as the Tlicho agreement. It's been a consistent approach on the part of the Rae-Edzo

Metis. We have let the governments know that we wanted to be part and parcel with it. We have always looked at ways to try to tie ourselves in there. We looked at trying to be very inclusive, so we don't have people left out of the process waving flags and saying what about us. That was the whole issue in principal as to why the federal government took the position to listen to us back in 1998 when we initiated those meetings. The one thing the federal government was adamant about back then, consistent with their approach today, was that nobody be left out. That would also be the position that the Metis were going to take. They wanted to make sure that the Metis' eligibility criteria met the test that those people who were eligible are not going to be removed.

That is probably the unfortunate thing; there were people left out of this process and, because of that, we had to work our way back to make sure that we looked after the rights of those people and we had to go through the judicial process.

In saying that, it doesn't give us the right to a process. The one thing under the charter is clear. The charter talks about the constitution and about existing aboriginal and treaty rights. The one thing about the North Slave Metis Alliance and people I represent specifically, the Rae-Edzo Metis, is we have people who are descendents of people who did sign the treaty. They have an existing aboriginal right and a treaty right and those same individuals meet the criteria of the charter. Through that, we know that we are eligible because we fit the test of the charter and we also fit the test of the comprehensive claims process.

I will just leave that with you. If you have any questions in terms of clarity, I am prepared to answer them.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Douglas. I would open the floor to committee Members if any committee Members have any comments or questions for Mr. Douglas on the comments he has made. Not hearing any, Mr. Douglas, unless you have something further to add, I would just say we will take your comments and review them as we look at this bill further. Do you have anything further you would lie to add, Mr. Douglas?

MR. DOUGLAS: No, I think I have been quite clear. I would like to thank you all for listening and giving us the invitation to be able to present our position. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Douglas. Mr. Enge, go ahead with your comments.

Presentation By Metis Local 66

MR. ENGE: Thank you, Mr. Chairman and committee Members, for providing me with an opportunity to speak today with respect to the second phase of the Dogrib land claim agreement.

During the first phase, the actual passage of the Tlicho agreement, this standing committee was supposed to hold hearings like they are today; that opportunity was not provided to the public and, in particular, to an aboriginal group or aboriginal people who have aboriginal rights that are being denied by the passage of this bill and by the passage of the other bill that was passed back in October or November.

So I appreciate the fact that the Legislative Assembly has seen fit to follow its own process by putting a standing committee together to permit input from the public, including aboriginal people like the Metis who have aboriginal rights in this region that are being trampled on.

I am here today because I am the president of Yellowknife Metis Nation Local 66, a founding father of the North Slave Metis Alliance, as my partner, Sholto Douglas, pointed out in his presentation. The primary reason why we formed the North Slave Metis Alliance is to assert our aboriginal rights for a land claim or to be included in the land claim.

I thought long and hard about this presentation for the last few days and I was originally going to put a presentation together and read a little bit of a script, but I have been at this so long that I can do it by rote now. With that, I will just present you with some of my views ad hoc because I know what it is we need.

What we need is to be included in the Tlicho land claim agreement. What we need is an aboriginal-rights-as-Metis respective. The passage of this bill doesn't do that. The Metis exist. We have aboriginal rights. We constantly get blockaded every step of the way because the federal government, under the auspices of the Department of Indian Affairs and Northern Development, says you have rights but we don't know what they are. However, we do respect the fact that the Metis have had their rights respected in the Sahtu and in the Gwich'in territories. There is a land claims process sort of underway in the South Slave region, but here with the Tlicho land claim agreement, which is a comprehensive land claim agreement, all the aboriginal people who have aboriginal rights have a right to be included and have those aboriginal rights respected.

This is not strictly a Dogrib land claim agreement, like what the crown negotiator, Jean Yves Assiniwi, once said to me in one of these presentations. He said this isn't a comprehensive land claim agreement; this is a Dogrib agreement. Well, that's just all rhetoric. Let's get real here. This is a comprehensive land claim agreement and we have a right to have our aboriginal rights respected.

Now, what to do about this. I am asking you today, this committee, to recommend to your counterparts in the Legislative Assembly to not pass this bill until such time as the aboriginal rights of the Metis have been addressed. This is premature. I know some of these Members here on this committee right now are aboriginal people who have their aboriginal rights respected. I am asking for the same thing. It's that simple.

I don't know why there appears to be this overriding interest in ramming through the Tlicho land claim agreement at the expense of the Metis. There are all kinds of theories floating out there. The fact is that does not make the Metis go away. We are going to be here and, quite frankly, as a Metis leader, I am not interested in going to court. You may know that the North Slave Metis Alliance launched a lawsuit against the Tlicho land claim agreement through the federal court of Canada. It was an injunction. It didn't make it to the top but, since that time, there has been the so-called Powley decision, a Metis hunting rights decision that demonstrates concretely that Metis have aboriginal rights. The passage of this implementation phase is going to trample on my rights.

So I am hoping today that this committee will see fit to recommend to your counterparts in the Legislative Assembly to wait until the aboriginal rights of the Metis people in this region have been addressed. Thank you very much.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Enge. I will open the floor to comments from committee Members or questions committee Members may have. Mr. Allen.

MR. ALLEN: Thank you, Mr. Chairman. I am going to direct my question to Mr. Enge. Do you feel that the overall comprehensive review of land claim agreements and self-government agreements requires some form of constitutional reform in the NWT, specifically regarding our constitutionality and bringing all the other land claims groups that are seeking similar legislation? Can you make some comments to that effect? Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Allen. Mr. Enge.

MR. ENGE: Thank you, Mr. Chairman. Thank you for the question, Mr. Allen. What we are talking about here when we talk about the constitution...There is no constitution in the Northwest Territories. A constitution was attempted under the auspices of the 13th Legislative Assembly and the people of the Northwest Territories rejected it. Personally, would I like to see a constitution issue revived? Does it help the people of the Northwest Territories as a whole? I think so, but the people of the Northwest Territories turned down the idea of a bicameral legislature with guaranteed aboriginal representation. As for the whole issue about what kind of a constitution would be resurrected from the ashes of the last one, I couldn't say; but I agree with the notion of guaranteed representation for aboriginal peoples so that they have a hand in the future of this territory and I supported that two legislative assemblies ago.

Now, if this Legislative Assembly sees fit to again attempt to create a constitution for this territory and it's based on a same or similar model, I would support that. How does it affect land claims and the rights of aboriginal people if we have a constitution? A constitution has to be consistent with land claims. So I would see that as being a positive. The two would complement each other. Perhaps under that kind of a system, the Metis voice would be better heard in the halls of this legislature. Right now, there is a growing frustration of the Metis because we don't seem to be getting heard here.

In the dying days of the last Legislative Assembly, yourself, Mr. Chairman, Mrs. Groenewegen and Mr. Allen were there when you expedited passage of the Tlicho land claim agreement; when the Metis were standing there saying, "please don't do it." Here we are again, in phase two of this land claim agreement, saying the same thing. Maybe under some kind of guaranteed representation model we would have a better opportunity to be heard and to influence our political rules of this territory to do the right thing, which is to wait and help the Metis have their Metis rights respected and addressed. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Enge. Anything further from the committee? Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. I would like to ask Mr. Enge, just for my own information, how many constituents his organization represents.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Enge.

MR. ENGE: Sorry to jump the gun. She's asking me how many constituencies I...

MRS. GROENEWEGEN: Constituents; people.

MR. ENGE: Oh, constituents, how many members I represent. Thank you. I am the president of Yellowknife Metis Nation Local 66, and I have a membership of 1,000 members. With respect to the context of what is going on here in this committee meeting today, what's important is how many North Slave indigenous Metis I represent who have these special rights to be included in the land claim. In that respect, I have at least 50. As my counterpart, Sholto Douglas, explained to you in his presentation, we created a regional organization called the North Slave Metis Alliance to assert our aboriginal rights for a land claim because that's what we are required to do. The crown said to us if you are going to assert collective rights, you have to collectivize those people with those rights, which is what we did. Unfortunately, there were some political manipulations and machinations that lead to a little bit of a civil war in the North Slave Metis Alliance, which required a remedy through the courts of the Northwest Territories. It's public knowledge and you probably all know that I have been a representative in a legal action to have my membership rights restored and I successfully have ushered that court case through the courts. Now we are in the final stages of the court case, which would see the reinstatement of the original constitution and bylaws so that all of the members who had their memberships removed are re-enfranchised. So indeed there were a few problems with respect to getting off the ground and organizing ourselves and collectivizing ourselves, but we are pretty well done that. Now what we need from this legislature is a little bit of time to complete that process, giving us the ability to go ahead and have our rights as Metis and as aboriginal people respected.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Enge. Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. Not wanting to sound uninformed, you said of your 1,000 members, 50 of those should be entitled to be enrolled in the Tlicho agreement, if I understood what you said. What would more time enable you to do with respect to the community government legislation that we are dealing with here today? What would you do if you had more time? What would you hope to accomplish in more time?

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Enge.

MR. ENGE: Thank you, Mr. Chairman. What needs clarification, first of all, is my role in Yellowknife Metis Nation Local 66. Yellowknife Metis Nation Local 66 is a Yellowknife-based Metis organization that represents the interests of Yellowknife Metis, a constituency of combined indigenous and non-indigenous Metis population. The reason why we needed to collectivize the Metis with special aboriginal rights is so that we are all together. That came under the auspices of the North Slave Metis Alliance, an organization that I was thrown out of. So what I am asking for is more time to remedy the unlawful acts that took place within that organization, so that all of the collective rights of the Metis...The 50 Metis from Local 66 who have these special rights fall under the membership of the North Slave Metis Alliance; all the members of Rae-Edzo Local 64 are now individual members of the North Slave Metis Alliance, et cetera. So all the members who have special rights become members of the North Slave Metis Alliance, so we have one organization that represents the collective rights of the North Slave indigenous Metis, the Metis with the special rights for land claim purposes. The reason why we are asking for more time is to complete the collectivization of the Metis with those special rights under the auspices of the North Slave Metis Alliance. What has lead to our inability to do that in the past was unlawful acts by some former Metis leaders of that organization who threw out a number of Metis with those special rights, including myself. So we didn't have the total collective rights of the Metis represented under the auspices of the North Slave Metis Alliance.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Enge. Mrs. Groenewegen.

MRS. GROENEWEGEN: So resolving all of those political issues, what difference would that bring to bear on the legislation we are dealing with today, which is how the four Tlicho communities within the Tlicho agreement are going to govern themselves at the community level. How does the resolution of your issues affect what we are dealing with here today?

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Enge.

MR. ENGE: Thank you, Mr. Chairman. Okay. What the delay in the passing of this bill will do for the Metis is give us an opportunity to get our rights included under the first phase of the land claim that was passed in this legislature last fall. We want to have what we characterize as a companion agreement fashioned onto the Tlicho land claim agreement and then get caught up to this phase, so that our rights aren't trampled on when this land claim goes into implementation. We have an aboriginal right to hunt, fish and carry on with activities on the very lands that the Tlicho land claim agreement covers. We want those rights respected. There is a little island of Metis in the middle of the Tlicho land claim area called Edzo. The Metis consider that their community. Their rights are going to be trampled on when this goes into effect.

Now what you are going to be told is the Dogrib government will never stop the Metis from hunting or carrying out those activities, but they have the right to. You are giving them the sceptre of power to do that as a governing body. That would be tantamount to a violation of the Powley decision if the Dogrib government attempts to stop the Metis from hunting, so they won't do it, but we have no say in how the land is being used. We have no say in the resources. We have no say at all on what goes on on those lands, lands that we say our ancestors occupied at the same time as the Dogrib did.

So, in practical terms, what does it mean to stop the implementation of this agreement? It means it gives us enough time to get our rights respected through the first phase of the Dogrib agreement with a view to making sure that our rights are protected and respected under the auspices of implementation, so that we can go out and use the land when we want to. There is not going to be that question mark hanging over our head as to who has the power to tell us what to do on those lands. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Enge. Mrs. Groenewegen.

MRS. GROENEWEGEN: Just one further thing, Mr. Chairman. So the Tlicho agreement is a process for the Dogrib. The Metis hope to have a similar process, a similar kind of land claim. You are saying they are not at the same stage right now, but you will be attempting to put in place similar types of rights and protection. So you are saying that, for the Tlicho agreement to proceed with its various pieces of legislation and so on, it's going to impede the rights of the people you represent when they catch up with the process after these political wranglings you have been referring to have been resolved. That's your fear that that is going to be the case. Do you know that to be the case or that's just what you think will happen?

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Enge.

MR. ENGE: Thank you, Mr. Chairman. Thank you again, Mrs. Groenewegen, for the question. No, we are not trying to set up a separate land claim process. What we want to do is we want a companion agreement or an adhesion onto the Tlicho land claim agreement that has already been passed by this legislature. We are not asking to reinvent the wheel. What we are doing is we want to attach ourselves to what they have already done because we think they have a good agreement and we, as aboriginal people, think we have the same rights and they should be respected no differently than our Indian counterparts. So we are saying we like that agreement and all we want to do is we want to attach ourselves onto it, but as a Metis entity. We are not going to be Dogrib citizens. We are going to be Metis but we are going to have a companion agreement that's attached to it, so that it falls under the auspices of their agreement and will have all the constitution charter protections under section 35 that the Dogrib enjoy under their agreement. That's what we want.

What is our fear? That's kind of a loaded word. I am not sure we are fearful, but we certainly have concerns that, at this stage of this bill, if this phase of the Dogrib agreement goes through, our aboriginal rights are going to be trampled on. We are going to fall under the auspices of a Dogrib government with the power to decide who can use their lands in certain ways, lands that they have staked out, lands that we claim similar ownership to. Our ancestors used the lands the same way the Dogrib did, yet we are locked out of this process where our rights would be respected. This is not a Dogrib land claim. As far as I am concerned, that's just straight rhetoric. This is a comprehensive land claim. Again, like what Dan Rather once said on 60 Minutes: If it walks like a duck, it looks like a duck, it quacks like a duck, it's a duck! This is a comprehensive land claim, a process by which Metis rights should be addressed under.

That same thing took place in the Sahtu, the same thing took place in the Gwich'in territory, and the Metis were included. With respect to what happened in the Gwich'in land claim agreement, the Metis agreed to become Gwich'in citizens. That's not what we want to do in this region. We want a land claim agreement similar in scope to the Sahtu land claim agreement where the Metis are a separate entity that works in concert with the Dene. Here in the North Slave region, because the Tlicho land claim agreement is so far ahead, what we feel is practical and doable is a companion agreement that sees a Metis-only agreement fastened onto the Tlicho land claim agreement because it is a comprehensive agreement. The legal mechanics are there for that to happen. So if there is a political will on the part of the crown and the GNWT and the Dogrib themselves, we can fast-track the Metis portion of the land claim because we are not looking to refashion the wheel.

You may not know all of the details of land claim agreements and whatnot, but I can give you an example of where this concept has been done in the past. Treaty 8 and Treaty 11 -- the two treaties that govern the Northwest Territories that aboriginal peoples fall under – have adhesions to them. There's a main agreement and then there are adhesions. With respect to Treaty 11 -- Commissioner Conroy, the ambassador from Ottawa who went out and had the Dene and Metis people sign the treaty to turn the lands over to the crown -- it has adhesions to it; the Dogrib here in the North Slave region signed Treaty 11 as an adhesion on August 22, 1921. The same entourage of Ottawa bureaucrats and representatives of the crown went to a different community throughout the Mackenzie Valley and had them sign it differently. Adhesions they are called. So we are just looking for the same thing. We are not looking to reinvent the wheel. We are looking for something that's already been done and if this legislature and this committee sees fit to do that, we can just go down that road that's already been travelled before, so we are not inventing anything new or asking for anything more than has been done in the past. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Enge. The Chair will recognize Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. Thanks, Mr. Enge, for your presentation. I know numerous times you've mentioned rights. I think that is what I would like to ask you about. Specifically under the Tlicho Community Government Act, what rights do you feel the Metis are being denied? Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ramsay. Mr. Enge.

MR. ENGE: Thank you, Mr. Chairman. Thank you for the question, Mr. Ramsay. We are looking for the right to govern ourselves and the right to participate in the governance of these territories, the ancestral lands of the Metis. If you want it in a nutshell, we don't have a right to say anything on the lands that fall under the auspices of the Dogrib governance. So we lose the right to participate as full aboriginals whose ancestral lands have been staked out under the auspices of the Tlicho land claim agreement and are now going into full governance implementation. So we lose the right, our ancestral right, to govern ourselves and share the land the way we've always done for hundreds of years. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Enge. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. I have tried to follow the political goings-on of the Metis in the North Slave region here the last number of years. I know Mr. Enge is with Local 66, but the North Slave Metis Alliance...I am not sure, Mr. Chairman, if they have submitted a written presentation to us. I haven't seen one and they are not here to make a presentation today. So I know Mr. Enge speaks for a segment of them and I know Mr. Douglas speaks for a segment of them. Collectively, as a group, if they could come together and give us some kind of a written presentation or something, it might have some more impact than the two gentlemen. I appreciate them coming here today and making their presentations, but without the other pieces of the puzzle, it's incomplete. That's something that needs to be addressed. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ramsay. Mr. Enge.

MR. ENGE: Thank you, Mr. Chairman. Yes, I agree with Mr. Ramsay's observation that the North Slave Metis Alliance representative should be presenting the views of the North Slave Metis Alliance and the collective on behalf of the North Slave Metis. It surprises me that there is nobody here considering that they've got all our money to do this. There are millions of dollars flowing through the North Slave Metis Alliance and the same kinds of funds don't flow through locals 66 and 64, yet we see fit to come down here on our meagre budget to do a presentation when these guys have all the money and the lawyers to do that. As a member that has been reinstated by virtue of the courts of this territory, I plan to send a letter down to the leadership of the North Slave Metis Alliance advising them that it would be a good idea to do what you suggested they do, which is to come here and present the views of the North Slave Metis to this committee. In a sense, work in concert with us, which is something that hasn't happened in quite a few years. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Enge. Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. Mr. Enge, in his response to Mr. Ramsay's question, stated that the Metis are being precluded from participating in the Tlicho community governments. In fact, they're public governments, not a lot unlike the hamlet government structure that exists for hamlets under GNWT legislation. I wonder if he could clarify his perception of being excluded from participating in that government. They are public governments. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Enge, do you have any comments?

MR. ENGE: Thank you, Mr. Chairman. I do, in fact. I appreciate that Mrs. Groenewegen points out that these are public governments, but it's the composition of those public governments that lead to the trampling of the Metis rights. Those public governments have guaranteed representation on them by Dogrib citizens. Metis are not Dogrib citizens, so we are locked out of the political process. We fall under the auspices of those public governments as the other non-Dogrib citizens and we have to try to compete with a political office as other people, no different in scope to yourself, Mrs. Groenewegen, who doesn't have any aboriginal rights to assert. We feel that as aboriginal rights, they have to be respected. They are being trampled on. They are levelling us, putting us in the same category as anybody else. You could get off the plane tomorrow and get your immigration papers and you would have the same status as the Metis in the Tlicho land claim for those public governments. We say we have special rights and we want the same rights as the Dogrib to be a part of those institutions. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Enge. Anything further? Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. Thank you for that answer, Mr. Enge. I just wanted to go back to something we were previously discussing and that is...I just lost my train of thought. Yes, you were talking about it taking the will of this government, the federal government and of the Tlicho government to accommodate what you think would be fair participation. I have to assume you've had that discussion already with the Tlicho government representatives and with the federal government. So perhaps you could tell us what the response was. I know it's probably long, but if you could just give us the brief version. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Enge.

MR. ENGE: Talk about giving me the impossible task, but I will try to accommodate Mrs. Groenewegen's wish for a snapshot of how this would work. Political will is everything. Once there is political will, things get done. I see that once the collectivization of the North Slave Metis Alliance has been completed and the organization is prepared to assert the rights of its collective, it appears that the crown has some interest in addressing Metis rights now. With your good offices and influence, I would imagine the GNWT could be persuaded to do the same. I am hoping that the

Dogrib will do the same. There is no reason why this coming-together and meeting of the minds can't happen, in my view. As some of the observations I have seen in the past, once there is a political will to do something, it gets done. Look what's happening with the Mackenzie Valley gas pipeline. There is a political will to do that and it's moving along a heck of a lot faster than the Metis land claim assertions. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Enge. Anything further from committee? Hearing none, Mr. Enge, I would just like to ask you one question. When you say the passage of this bill tramples on your rights and this agreement stems out of the Tlicho government agreement that's been signed by the three parties, where do you see the biggest stumbling block in getting your rights or issues dealt with? Is it the Tlicho and dealing with them and the territorial government or the federal government? Which one of those three is most critical, in your view, as far as getting your rights addressed? Mr.. Enge.

MR. ENGE: Thank you, Mr. Chairman. Well, one of the greatest obstacles we have is a lack of funding. So if this committee was to recommend to the Government of the Northwest Territories and Cabinet to give us some funds, we could do a better job of lobbying the political rulers and the bureaucrats involved in agreeing to establish a land claim. So one of the biggest stumbling blocks is a lack of funds, but ultimately with respect to your question over the three parties, the party that has to come forward and agree to this arrangement, first and foremost is the crown. So if you could help us get the money so we could do a good job of lobbying them and following the steps that they place before us to get to the land claims table, we would have a better chance of getting this thing resolved. So give us some money and we can do that work. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Enge. Anything further from committee? Hearing none, thank you for your presentation, Mr. Enge. I am sure we have taken notes and your comments will be considered by committee for sure as we finalize the review on this bill. Thank you for your presentation.

MR. ENGE: Thank you for all the questions. Thank you for inviting me and thank you for giving me an opportunity for me to express my views. I very much appreciate that. I appreciate the fact that this government has seen fit to hold the standing committee hearings on this matter, something that wasn't done in the first phase. I appreciate that the government has seen fit to allow us an opportunity to express ourselves because the first time this thing went around under the main Tlicho agreement, it left us very frustrated because we weren't being heard. Something that a public government should always do is allow its citizens and interest groups that have a stake in matters as important as this an opportunity to express their views about it. So I appreciate that this committee has been convened for that purpose. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Enge. At this time, the committee has no further witnesses or presenters scheduled, but I would ask anyone in the audience who wishes to make comments or make a presentation to committee, the floor is open to come forward, identify yourself, and proceed into your comments or questions.

Hearing none, I will call a short break for committee. We will resume in half an hour. In the meantime, we are in the building where Members are easily accessible. So if a presenter comes forward wanting to make a presentation, we can reconvene. At this time, I will call a short break and come back in a half an hour and open to the floor to presentations again.

---SHORT RECESS

CHAIRMAN (Mr. Delorey): I will call the committee back to order. We are conducting public hearings on Bill 5. I don't see any witnesses who are here to make a presentation. However, I will make the opportunity available for anyone who would like to come forward to make a presentation to the committee on Bill 5, the Tlicho Community Government Act.

Hearing none, I suggest that we take a break. I know it hasn't been a very long meeting. I would like to ask committee Members to hang around their offices today or carry a cell phone with you. If somebody does show up to make a presentation, we can reassemble the committee. If you don't hear anything before 4:30, I would like to reassemble the committee at 4:30 to wrap it up and close off the public hearings portion of the meetings. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. I have somewhere to be at 5:00 today. I wonder if we could reconvene at 4:00. That might be better. I hear Mr. Menicoche saying 4:00 would be better for him as well. If we could do it at 4:00, that would be great.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ramsay. We have advertised until 5:00 to hear from the public, but we can reconvene at 4:00. Mr. Menicoche.

MR. MENICOCHE: Do we have to read written presentations into the record?

CHAIRMAN (Mr. Delorey): Not necessarily. We will take that into consideration tomorrow when we do our committee wrap-up. I suspect we will get one more this afternoon at some point as well. Mrs. Groenewegen.

MRS. GROENEWEGEN: You are expecting another written presentation today? Okay. I will keep my cell phone on. I just have one commitment at 3:00. My son is in town and he's go to an appointment with a specialist and I want to go with him right around 3:00, but I will do my best to be back here by 4:00. I will have my cell phone on.

CHAIRMAN (Mr. Delorey): Okay. We will break until 4:00, unless you hear from me before then.

----SHORT RECESS

CHAIRMAN (Mr. Delorey): I call the Standing Committee on Governance and Economic Development back to order to wrap up. I see that we have no further presentations in the audience. Chances are we won't be getting any more today. I call that we close off the public review portion of Bill 5 and adjourn until 9:30 tomorrow morning, in camera, and to go clause by clause. We are adjourned until 9:30 tomorrow morning.

---ADJOURNMENT

Northwest Territories Legislative Assembly

Standing Committee on Governance and Economic Development

Public Review on Bill 5, Tlicho Community Government Act

Chair: Mr. Paul Delorey, MLA

STANDING COMMITTEE ON GOVERNANCE AND ECONOMIC DEVELOPMENT

Chairman

Mr. Paul Delorey, MLA, Hay River North

Members

Mr. Robert Villeneuve, MLA, Tu Nedhe, Deputy Chair
Mr. Roger Allen, MLA, Inuvik Twin Lakes
Mrs. Jane Groenewegen, MLA, Hay River South
Mr. David Ramsay, MLA, Kam Lake

Witnesses

Hon. Henry Zoe, Minister of Municipal and Community Affairs
Ms. Debbie DeLancey, Deputy Minister, MACA
Mr. Mike Kalnay, Director, Community Governance, MACA
Ms. Sheila Bassi-Kellett, Director, Corporate Affairs, MACA
Ms. Tania Begelfor, Legislative Advisor, Corporate Affairs, MACA
Mr. David Kravitz, Policy Advisor, Claims and Self-Government, Community Governance, MACA
Mr. Mark Aitken, Director, Legislation Division, Department of Justice
Mr. Andy Couvrette, Executive Assistant to the Minister

Committee Staff

Mr. David Inch, Committee Clerk
Ms. Katherine Peterson, Law Clerk
Ms. Colette Langlois, Director of Research

STANDING COMMITTEE ON GOVERNANCE AND ECONOMIC DEVELOPMENT
Review of Bill 5, Tlicho Community Government Act

May 14, 2004
Committee Room "A"
11:00 a.m.

CHAIRMAN (Mr. Delorey): I will call the meeting of the Standing Committee on Governance and Economic Development to order. We are here with Minister Zoe to review Bill 5. For the record, I will have committee Members introduce themselves starting on my far right.

MRS. GROENEWEGEN: Jane Groenewegen, MLA, Hay River South.

MR. ALLEN: Roger Allen, MLA, Inuvik Twin Lakes.

CHAIRMAN (Mr. Delorey): To my left.

MR. RAMSAY: Thank you, Mr. Chairman. David Ramsay, MLA, Kam Lake.

CHAIRMAN (Mr. Delorey): Myself, Paul Delorey, Hay River North and Chair of GED. We also have with us Dave Inch, clerk of committees; Collette Langlois, director of research; and, Katherine Peterson our Law Clerk. We have also just been joined by Bobby Villeneuve, MLA for Tu Nedhe.

Mr. Minister, I would go to you to introduce your staff. If you have any opening comments, please proceed. Mr. Minister.

HON. HENRY ZOE: Thank you, Mr. Chairman. I will introduce the delegation that I have here with me. To my left, I have Debbie DeLancey, deputy minister of Municipal and Community Affairs. To my far right, I have Mike Kalnay, director of community governance. To my left is Mark Aitken, director of legislation with the Department of Justice. At the back is Sheila Bassi-Kellett, director of corporate affairs. Tania Begelfor is legislation advisor. David Kravitz is our policy advisor. My executive assistant, Andy Courvette, is back there also.

Mr. Chairman, thank you again for having me appear before you. I am hopeful that your deliberations on the Tlicho Community Governance Act was successful during this week. I don't have any formal comments at this time. If there are any questions, I am here to answer them. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Zoe. Yes, we did some public consultations this week in Rae on Tuesday. We were there scheduled for Wednesday too, but it turned out that we had to come back on Wednesday. So we did our hearings on Tuesday and then Thursday we did hearings here in Yellowknife. I guess what I would like to do now is open the floor to Members. Are there any questions they feel arose from our public hearings or from the written submissions? Are there any concerns or questions that came out of those hearings which should be directed to the Minister? Is there anything from committee Members?

Not hearing any, is committee prepared to go and review the bill clause by clause? Agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Okay. I will ask Members to turn to page 16. We will stand down clause by clause and proceed to the first of the schedules on page 100. On page 100, schedule A.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Agreed. We will go to page 103, schedule B. Mr. Allen.

Motion To Delete Schedule B Of Bill 5, Carried

MR. ALLEN: I move that schedule B of Bill 5 is deleted.

CHAIRMAN (Mr. Delorey): There's a motion on the floor. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Delorey): Question is being called. All those in favour? All those opposed? The motion is carried.

—Carried

Mr. Minister, do you concur?

HON. HENRY ZOE: I concur.

CHAIRMAN (Mr. Delorey): Thank you. Schedule B is deleted. Agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 105, schedule C. Mrs. Groenewegen.

Motion To Delete Schedule C Of Bill 5, Carried

MRS. GROENEWEGEN: Mr. Chairman, I move that schedule C to Bill 5 be deleted. Thank you, Mr. Chairman.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Delorey): Question is being called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Minister, do you concur?

HON. HENRY ZOE: I concur.

CHAIRMAN (Mr. Delorey): Thank you. Schedule C is deleted. Agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): We will go to page 106, schedule D. Mr. Villeneuve.

Motion To Delete Schedule D Of Bill 5, Carried

MR. VILLENEUVE: Mr. Chairman, I move that schedule D to Bill 5 be deleted. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): There's a motion on the floor. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Delorey): Question is being called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Minister, do you concur?

HON. HENRY ZOE: I concur.

CHAIRMAN (Mr. Delorey): Thank you. Schedule D of Bill 5 is deleted. Everyone agree?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Thank you. Page 107, schedule E. Mr. Ramsay.

Motion To Re-designate Schedule E Of Bill 5, Carried

MR. RAMSAY: I move that schedule E of Bill 5 is re-designated as schedule B and that re-designated schedule B is further amended as follows:

(a) the heading preceding item 1 is deleted and the following is substituted:

CONSEQUENTIAL AMENDMENTS

(b) the English version of item 2(2) is amended by deleting "Tlicho Community Government" in the proposed definition "Tlicho Community Government" and by substituting Tlicho community government";

(c) the English version of item 4(3) is amended

(i) by deleting "is substituting" and by substituting "is substituted"

(ii) by deleting "definitions of" in proposed subsection 28(3) and by substituting "definitions";

(d) item 5 is renumbered as item 7 and the following is added before renumbered item 7:

Local Authorities Elections Act

5. (1) the Local Authorities Elections Act is amended by this section.

(2) section 2 is repealed and the following is substituted;

2. This act applies to the election of members of all local authorities subject to

(a) the community charter in respect to a charter community and

(b), the Tlicho Community Government Act in respect of a "Tlicho Community Government

3. Subsection 49(2) is amended by

(a) striking out "and" at the end of paragraph (b);

(b) striking out the period at the end of paragraph (c) and substituting " ; and";

and

(c) adding the following paragraph (c)

(d) sections 13 to 18 and 165 of the Tlicho Community Government Act, respecting the election of council members of Tlicho community governments.

Motor Vehicles Act

6. Section 348 of the Motor Vehicles Act is repealed and the following is substituted:
348. Notwithstanding the Charter Communities Act, the Cities, Towns and Villages Act, the Hamlets Act or the Tlicho Community Government Act, a bylaw passed under this Part must not set out a punishment for a contravention of the bylaw that precedes the punishment set out in section 338.

(e) the following number is added after renumbered item 7:

Public Utilities Act.

8. Section 1 of the Public Utilities Act is amended by deleting the definitions "municipal corporation" and "municipality".

CHAIRMAN (Mr. Delorey): There's a motion on the floor. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Delorey): Question is being called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Minister, do you concur?

HON. HENRY ZOE: I concur.

CHAIRMAN (Mr. Delorey): Thank you. Schedule E, as amended.

SOME HON. MEMBERS: Agreed.

Clause By Clause

CHAIRMAN (Mr. Delorey): Thank you. That concludes schedules. Let's go back to page 16. Clause by clause. Clause 1.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 19, clause 2.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 20, clause 3.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 4.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 5.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 21, clause 6.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 7.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 8.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 22, clause 9.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 10.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. I know we had discussed this a little bit earlier today and in the process leading up to being here today. Not that I want to stand in the way of this happening, and I am going to agree with this clause, but I would like it to be shown -- in a report or whatever is generated by this committee for this bill – that I do have some concern with basing election to what is a public government on race. I don't want to stand in the way of this happening and I do agree to the inherent right to self-government for Tlicho citizens. However, I do have some concern with having folks elected based solely on race. I would like that reflected in a report that is going to be generated by this committee and show my concern with this. I am going to agree with it, but I do have some concern with basing an election to a public government on race.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ramsay. These proceedings are recorded as well, so it will be on the record as a comment made by you. I didn't hear a question there. So I will call clause 10 again.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Agreed. Clause 11, page 23.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 24, clause 12.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 13.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 25, clause 14.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 26, clause 15.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 27, clause 16.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 17.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 28, clause 18.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 19.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 20.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 29, clause 21.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 30, clause 22.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 23.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 24.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 31, clause 25.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 26.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 27.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 32, clause 28.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 29.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 30.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 31.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 32, page 33.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 33.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 34.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 35, page 34.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 36.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 37.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 35, clause 38.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 39.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 40.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 36, clause 41.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 42.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 43, page 37.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 44, page 38.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 45.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 46.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 39, clause 47.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 48.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 49.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 50.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 40, clause 51.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 52.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 53. Mr. Allen.

MR. ALLEN: Thank you, Mr. Chairman. In the interest of a public government, do you not see this as being an issue that should be raised, in terms of fee- simple title; having an individual a right to access community lands as much as they have in today's current practice of having access to commissioner's land for fee-simple title reasons? Would you not share with us the interest of this particular clause as it points to future disposition of community-based lands? I would just wonder if you could lend some comment to this and give an opinion as it applies to those who would have an interest in acquiring community-based lands under this current legislation. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Allen. Mr. Minister.

HON. HENRY ZOE: Mr. Chairman, with regard to lands, communities are not allowed to sell municipal lands for a 20-year period following the effective date. Under section 9.3.6 of the Tlicho agreement, it specifically requires a period of 20 years from the effective date before the community can convey fee-simple interest to community lands. This is confirmed in section 53.2(1) of the act. In all other land disposal matters, the act is consistent with the authority given to hamlets. So this section that you are referring to under section 53 flows directly from the main agreement that we have. So it mirrors the agreement.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Minister. Mr. Allen.

MR. ALLEN: Also, public interest should be taken into consideration in the future. If you were to advocate for economic or business development, would this not prevent you from opening up some kind of…Let's say the specific example of an industrial area.

How does this piece of legislation allow access to similar lands? Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Allen. Mr. Minister.

HON. HENRY ZOE: Mr. Chairman, my understanding is that it will follow the regular process of getting a lease. Any individuals or corporations who want to do business can still get a land lease. So that provision is there for them.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Minister. Mr. Allen.

MR. ALLEN: Thank you, Mr. Chairman. So you are saying this is fairly consistent with the past practice of acquiring Commissioner's land and fee-simple title. Is that what I am led to believe, Mr. Chairman?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Allen. Mr. Minister.

HON. HENRY ZOE: Yes.

CHAIRMAN (Mr. Delorey): Okay. Clause 53.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 41, clause 54.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 55.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 56.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 42, clause 57.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 58.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 59. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. I just have a question. I know we've talked about this in the past; the proliferation of boards set up especially at the community level. This clause causes me some concern. Are section (d) and (e) under this clause taken directly from the Municipal Statutes Replacement Act? Do they mirror that act, those two sections?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ramsay. Mr. Minister.

HON. HENRY ZOE: Yes, you are correct. They do mirror those sections exactly. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Minister. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. If certain works and commissions are set up under these community governments and there are allowances attached to that, who does the Minister envisage paying for these works to be set up and the cost being borne? Is that going to come back to the department and the Government of the Northwest Territories or are they expected to find the funding to do that at the community level?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ramsay. Mr. Minister.

HON. HENRY ZOE: With the authority given to the community government, if they set up a board or a commission, the onus is on the community government to pay the board fees if there are honoraria or expenses. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Minister. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. I go back to my days when I was a city councillor. Most of the boards that we set up or the committees that we set up were done on a volunteer basis. I would hope that it's done in the Tlicho community government, that they would look first to volunteer boards. The worst-case scenario is when you get people in and pay them to provide a service which, in a lot of cases, should be done on a volunteer basis at the community level. I just wanted to put that on the record. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ramsay. Clause 59.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 44, clause 60.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 61. Mr. Allen.

Motion To Amend Clause 61(1)(d) Of Bill 5, Carried

MR. ALLEN: Mr. Chairman, I move that Bill 5 be amended by deleting "or" at the end of proposed paragraph 61(1)(d) and by adding the following after that paragraph:
(d.1) a municipal corporation in Mowhi Gogha De Nįįtlee (NWT); or . Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): There's a motion on the floor. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Delorey): Question is being called. All those in favour? All those opposed? The motion is carried.

—Carried

Mr. Minister, do you concur?

HON. HENRY ZOE: I concur.

CHAIRMAN (Mr. Delorey): Thank you. Clause 61, as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 45, clause 62.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 46, clause 63.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 64.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 65.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 47, Clause 66.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 48, clause 67.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 68.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 50, clause 69.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 70.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 51, clause 71.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 72.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 73.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 52, clause 74.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 75.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 76.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 77.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 53, clause 78.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 79.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 54, clause 80.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 81.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 82.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 56, clause 83.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 84.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 85.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 57, clause 86.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 87.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 58, clause 88.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 89.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 90.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 91. Mrs. Groenewegen.

Motion To Amend Clause 91(3) Of Bill 5, Carried

MRS. GROENEWEGEN: Thank you, Mr. Chairman. I move that Bill 5 be amended by deleting proposed subsection 91(3) by substituting the following: (3) a community government shall follow any guidelines issued by a Minister regarding the form and content of budgets.

CHAIRMAN (Mr. Delorey): Thank you. A motion is on the floor. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Delorey): Question is being called. All those in favour? All those opposed? The motion is carried.
---Carried

Mr. Minister, do you concur?

HON. HENRY ZOE: I concur.

CHAIRMAN (Mr. Delorey): Thank you. Clause 91, as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 92.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 93.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 94.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 95.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 96.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 97.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 61, clause 98.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 62, clause 99.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 100.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 63, clause 101.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 102.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 103.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 104.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 105.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 65, clause 106.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 107.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 66, clause 108.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 109.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 67, clause 110.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 111.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 112.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 113.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 114.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 115.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 116.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 70, clause 117.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 118.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 71, clause 119.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 120.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 72, clause 121.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 122.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 73, clause 123.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 74, clause 124.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 125.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 76, clause 126.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 77, clause 127.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 128.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 129.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 78, clause 130.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 79, clause 131.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 132.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 133.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 134.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 80, clause 135.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 136.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 137.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 138.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 139.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 82, clause 140.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 141.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 142.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 83, clause 143.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 144.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 84, clause 145.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 146.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 147.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 85, clause 148.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 149.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 86, clause 150.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 151.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 87, clause 152.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 153.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 154.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 88, clause 155.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 89, clause 156.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 157.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 90, clause 158.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 159.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 91, clause 160.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 161.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 162.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 163.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 92, clause 164.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 165.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 93, clause 166.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 167.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 94, clause 168.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 95, clause 169.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 96, clause 170.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 171.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 172.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 97, clause 173.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 98, clause 174.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 175.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 176. Mr. Villeneuve.

Motion To Delete Clause 176 Of Bill 5, Carried

MR. VILLENEUVE: Thank you, Mr. Chairman. I move that clause 176 of Bill 5 is deleted and the following is substituted: 176. Each act specified in item of schedule B to this act is amended to the manner and extent specified in that item.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Villeneuve. A motion is on the floor. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Delorey): Question is being called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Minister, do you concur?

HON. HENRY ZOE: I concur.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Minister. Clause 176, as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Bill as a whole as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Mr. Ramsay.

Motion To Reprint, Amend And Report Bill 5 As Ready For Committee Of The Whole, Carried

MR. RAMSAY: Thank you, Mr. Chairman. I move that Bill 5, the Tlicho Community Government Act, be reprinted and amended and reported to the assembly as ready for Committee of the Whole.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ramsay. A motion is on the floor. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Delorey): Question is being called. All those in favour? All those opposed? The motion is carried.

---Carried

Bill 5 will be reprinted and reported to Committee of the Whole as ready for consideration in Committee of the Whole. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. Just for the record, I wanted to ask a question. What will the impending federal election and Bill C31 which is currently in Ottawa -- if there is an election – do to the legislation that's in Ottawa? What, if any, repercussions will that have on us proceeding with this? Will it have any influence on this at all?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ramsay. My understanding of it is it wouldn't preclude us proceeding with this one, but there is a possibility that the bill that's in Ottawa right now could die on the order paper and then would need reintroduction into the House of Commons. So it could slow down the whole process, but I don't think it would affect it. That's my understanding. Mr. Minister, do you have anything to add to that?

HON. HENRY ZOE: Mr. Chairman, you are correct. If the bill dies on the order paper, then it will be reintroduced by the next government that comes into place. There is still hope that it will be passed before the election call.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Minister. Mr. Ramsay, anything further?

MR. RAMSAY: No, Mr. Chairman. As long as it doesn't have any bearing on what we are doing here and it can move forward with what we are doing and we can take this to Committee of the Whole, then we should proceed.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ramsay. I would like to thank the Minister and witnesses for appearing before committee.

HON. HENRY ZOE: Thank you very much.

---ADJOURNMENT